

## FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

RDB #0689-17

**FILED**In the office of the Secretary of State  
of the State of California

JUL 14 1989

At 4:25 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Janella Cruz*  
Deputy Secretary of State

1989 JUL -5 PM 1:57

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

JUL 14 1989

*Office of Administrative Law*

State Department of Social Services

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 7-3-89

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau		445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

44-211

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other \_\_\_\_\_

(SPECIFY AGENCY)

- |  |   |  |
|--|---|--|
| 8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER<br>N/A | b. DATE OF FINAL AGENCY ACTION<br>JUL 03 1989 | c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))<br>N/A |
|--|---|--|

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)



## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
  - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
  - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
  - If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)




DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief  
Regulations Development Bureau

James Rhoads, Assistant Chief  
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.

  
Linda S. McMahon  
Director

8-26-88  
Date



Amend Section 44-211 to read:

44-211 SPECIAL NEEDS IN AFDC (Continued)

44-211

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter while the AU is seeking permanent housing.

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See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

.511 An AU is considered homeless when:

- (a) It lacks a fixed and regular nighttime residence; or
- (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

.512 An AU is not considered homeless when it is sharing housing.

.5132 (Continued)

.5143 (Continued)

.5154 (Continued)

.5165 (Continued)

.5176 (Continued)

.5187 (Continued)



•5193 (Continued)

Authority Cited: Sections 10554 and 11450(g), Welfare and  
Institutions Code.

Reference: Section 11450(f), Welfare and Institutions  
Code.



OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**

In the office of the Secretary of State  
of the State of California

JUL 14 1989

At 4:25 o'clock P. M.

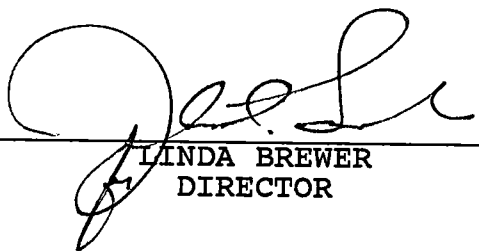
MARCH FONG EU, Secretary of State

By Louella Euy  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 89-0705-02  
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LINDA BREWER  
DIRECTOR

07/14/89  
-----



## FACE SHEET

(See Instructions on Reverse)

1989 JUN 15 PM 2 22

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING

JUL 17 1989

Office of Administrative Law

### FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

**REGULAR**

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 6-14-89

89-0615-03  
RDB #1188-49 **FILED**  
In the office of the Secretary of State  
of the State of California

JUL 17 1989

At 4:51 o'clock P. M.  
MARION FONG EU, Secretary of State

Deputy Secretary of State  
For use by Secretary of State only

For use of Office of Adm Law

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)  
Rosalie Clark, Chief, Regulations Development Bureau (916) 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)  
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)  
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
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Title MPP  
SECTIONS ADOPTED: See list attached.  
SECTIONS AMENDED: See list attached.  
SECTIONS REPEALED: See list attached.  
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 30-355.41
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
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☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
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☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: \_\_\_\_\_
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☐ Other \_\_\_\_\_ (SPECIFY AGENCY)
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2/17/89  
b. DATE OF FINAL AGENCY ACTION  
JUN 14 1989  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))  
5-22-89 thru 6-6-89
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☐ Effective upon filing with the Secretary of State.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_  
d. ☒ Effective on 8/1/89 (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
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3.a. Manual of Policies and Procedures (MPP)

Sections Adopted:

30-002c.(1), 30-002s.(1)(L); 30-109.111; 30-110.2; 30-144.11 and .3, 30-162.12; 30-172.111, .121, .13, .131, .14, and .141; 30-198.157; 30-234.11 and .12; 30-262.111; 30-276.167; 30-334.11 and .12; 30-354; 30-355.2 and .31; 30-376.168; 30-434.11, and .4; 30-436.12 through .16; 30-442.61 through .64; 30-450.11 and .12; 30-454.11 through .121; 30-455; 30-476.15 through .158; 30-493.4, .41, .42, and .5; 30-495.11 through .161; and 30-498.3.

Sections Amended:

30-002a.(1), p.(2), s.(1), s.(1)(F), s.(6), s.(8); 30-109.1; 30-132.3 and .4; 30-134.1, .3, and .4; 30-144.1, .4, and .5; 30-154.32; 30-162.11; 30-198.131, .141, and .174; 30-234.1 and .5; 30-244.42; 30-252.11, .111(c), .2, and .231; 30-262.1, .11, .12, and .121; 30-276.1, .131, .141, and .151; 30-334.1 and .4; 30-336.22, .621, .622, and .623(a); 30-338.212(a); 30-350.1; 30-355.1, .11, .3, .4, .41, .411, .43, and .6; 30-376.1, .131, .141, .151, and .165; 30-378.1; 30-434.1, .12, and .3; 30-436.1; 30-442.6; 30-450.1; 30-454.1; 30-462.1; 30-476.1, .121, .122, .123, .13, .131, .14, .141, and .15; 30-493.3, .311, and .313; 30-494.13; 30-495.1; and 30-498.1, .11, and .2.

Sections Repealed:

30-352; 30-354.1, .2, .34, and .511; 30-358; 30-400.21; 30-436.12; 30-454.3 and .4; 30-464; 30-493.1 and .5 through .53; 30-495.1; and 30-498.21 and .22.

Handbook Sections Amended:

30-110.111.

Handbook Sections Repealed:

30-464.21.

Handbook Sections Adopted:

30-498.21 through .216.



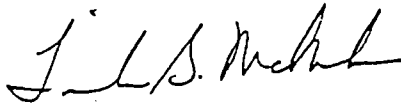
DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief  
Regulations Development Bureau

James Rhoads, Assistant Chief  
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.



Linda S. McMahon  
Director

8-26-88  
Date



Renumber Section 30-002; adopt Sections 30-002c.(1) and s.(1)(L); and amend Sections 30-002a(1), p.(2), s.(1), s.(1)(F), s.(6) and s.(8) to read:

30-002

DEFINITIONS

30-002

(a.)(1) "Abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s) in who the court has vested care, custody, and control of the child. The term also includes emotional, physical, severe physical, and sexual abuse as defined in Section 30-002(a.)(1)(A) through (4D).

(1A) "Emotional abuse" (Continued)

(2B) "Physical abuse" (Continued)

(X)1. (Continued)

1/(i) (Continued)

(Y)2. (Continued)

1(i) (Continued)

(3C) "Severe physical abuse" (Continued)

(4D) "Sexual abuse" (Continued)

(X)1. (Continued)

1/(i) "Sexual assault" (Continued)

HANDBOOK

HANDBOOK

(Ø2) "Adult" (Continued)

(Ø3) "Agreement" (Continued)

(Ø4) "Assessment" (Continued)

b. (Reserved)

c.(1) "Case", for Child Welfare Services Programs, means the following:

(A) "Emergency Response Assessment Case" means the documented activities of the emergency response social worker necessary to complete an assessment to determine whether or not an in-person response is appropriate.



(B) "Emergency Response, In-Person Response Case" means the documented activities of the emergency response social worker, based on an assessment which determined that an in-person response is appropriate, and the social worker has either:

1. Completed an in-person response, including an initial evaluation which determines that no additional Child Welfare Services are required and no further action is necessary; or,
2. Attempted an in-person response, including activities associated with identifying and/or locating the whereabouts of the child and/or parents, even when such efforts are unsuccessful and no in-person contact can be made and the case is closed.

(C) "Emergency Response Services Case" means the documented activities of the emergency response social worker who, based on an assessment which determined that an in-person response was appropriate, has completed an in-person response and conducted an initial evaluation; determined that additional child welfare services are required; and prepared an emergency response assessment and service plan.

(D) "Family Maintenance Case" means a family maintenance assessment and service plan have been or are being completed which identify the need for family maintenance services. A family maintenance case begins when a first level supervisor in the sending program approves transfer of the case to the Family Maintenance Program; or on the date of the hearing at which family maintenance services are ordered.

(E) "Family Reunification Case" means a family reunification assessment and service plan have been or are being completed which identify the need for family reunification services. A family reunification case begins when a first level supervisor in the sending program approves transfer of the case to the Family Reunification Program; or on the date of the hearing at which family reunification services are ordered.



(F) "Permanent Placement Case" means a permanent placement assessment and service plan have been or are being completed which identify the need for permanent placement services. A permanent placement case begins on the date of the hearing at which permanent placement services are ordered.

(G)(2) "Child" (Continued)

(1A) "Child-placing agency" (Continued)

(3) "County" (Continued)

(d) "Department" (Continued)

(e)(1) "Eligible" (Continued)

(1A) "Income eligible" (Continued)

(2B) "Status eligible" (Continued)

(2) "Exploitation" (Continued)

(1A) (Continued)

(1i) (Continued)

(1ii) (Continued)

(f)(1) "Family" (Continued)

(2) "Foster care" (Continued)

(1A) (Continued)

(2B) (Continued)

(3C) (Continued)

(4D) (Continued)

(5E) (Continued)

(3) "Foster parent" (Continued)

(g)(1) "Grievance" (Continued)

(1A) "Grievance review agent" (Continued)

HANDBOOK



(2B) "Party to grievance review" (Continued)

(ø2) Guardian" (Continued)

h. Reserved

(ø)yi.(1) "Indian" (Continued)

(1A) "Indian child(ren)" (Continued)

(2B) "Indian child's extended family" (Continued)

(3C) "Indian child's parent" (Continued)

(4D) "Indian child's tribe" (Continued)

(5E) "Indian custodian" (Continued)

(6F) "Indian organization" (Continued)

(7G) "Indian tribal court" (Continued)

(8H) "Indian tribe" (Continued)

(ø2) Interstate Compact on the Placement of Children"  
(Continued)

j. Reserved

k. Reserved

l. Reserved

(x)m.(1) "Median income for California" (Continued)

(§2) "Minor" (Continued)

(x)n. "Neglect" (Continued)

(1A) (Continued)

(Xi) (Continued)

(2B) (Continued)

(Xi) (Continued)

(3C) (Continued)

(Xi) (Continued)

HANDBOOK



o. Reserved

~~(W)~~p.(1) "Parent" (Continued)

~~(W)~~(2) "Preplacement preventive services" means those services which are designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. Preplacement preventive services are provided through the Emergency Response Program, as specified in Chapter 30-100; and through the Family Maintenance Program, as specified in Chapter 30-200.

~~(W)~~(3) "Primary service provider" or "primary" (Continued)

q. Reserved

~~(X)~~r.(1) "Reassessment" (Continued)

~~(Y)~~(2) "Recipient" (Continued)

(1A) "Primary recipient" (Continued)

(2B) "Recipient of AFDC" (Continued)

(3C) "Recipient of SSI/SSP" (Continued)

(3) "Representative" (Continued)

~~(S)~~s.(1) "Service funded activity" means a clearly delineated activity purchased from an entity other than the primary or performed by social service staff. Such an activity may be delivered separately from the service program of which it is a part. Service-funded activities include the activities defined in (1A) through (11L) below.

(1A) "Counseling" (Continued)

(2B) "Crisis intervention" (Continued)

(3C) "Emergency shelter care" (Continued)

(4D) "Information" (Continued)

(5E) "Initial intake" (Continued)



(6F) "Out-of-home respite care" means the provision of prearranged child care in ~~residential~~ settings other than the child's own home when a parent(s)/guardian(s) is absent or incapacitated, and a determination has been made that temporary out-of-home care placement is in the child's best interest. Out-of-home respite care services are offered as part of a service plan to allow a temporary respite of parental duties, so that parent(s)/guardian(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Out-of-home respite care services ~~are limited to~~ do not exceed 48 hours per session/ ~~including weekends/ and to no more than ten sessions in a six-month period.~~ Such These services are not provided for the purpose of routine, ongoing child day care.

(7G) "Parenting training" (Continued)

(8H) "Referral" (Continued)

(9I) "Teaching and demonstrating homemaker" (Continued)

(10J) "Temporary in-home caretaker" (Continued)

(11K) "Transportation" (Continued)

(L) "Trial visit" means a temporary reunification of a child, who has been in out-of-home care, with a parent/guardian in anticipation of the child being permanently reunified with that parent/guardian.

(12) "Service plan" (Continued)

(13) "Service program" (Continued)

(1A) "Mandated service program" (Continued)

(Ai) (Continued)

(Bii) (Continued)

(Ciii) (Continued)

(Div) (Continued)

(Evi) (Continued)

(Fvi) (Continued)



Øvii (Continued)

Øviii (Continued)

(~~ØØ~~) ~~RESERVED~~

(~~ØØ4~~) "Social services" or "services" (Continued).

(~~ØØ5~~) "Social service(s) staff" (continued)

(~~ØØ6~~) "Staff activity" means a clearly delineated activity, or group of closely interrelated activities, which is performed by social service staff as part of a service program; and which is performed in direct interaction with a recipient and/or his/her representative(s). Specific staff activities include the activities defined in (ØA) through (ØZL) below.

(ØA) "Assessment" (Continued)

(ØB) "Consultation" (Continued)

(ØC) "Coordination" (Continued)

(ØD) "Counseling" (Continued)

(ØE) "Discharge" (Continued)

(ØF) "Investigation" (Continued)

(ØG) "Planning" (Continued)

(ØH) "Reassessment" (Continued)

(ØI) "Referral" (Continued)

(ØJ) "Selection and placement" (Continued)

(ØK) "Supervision" (Continued)

(ØL) "Transportation" (Continued)

(~~ØØ7~~) "State agency" (Continued)

(~~ØØ8~~) "Support activities" means broadly based activities related to overall services operations. Such activities benefit the recipient population in whole or in part, and are federally funded through Titles IV-B, IV-E, or XX. Support activities include the activities defined in (ØA) through (ØC) below.



(1A) "Community planning" (Continued)

(2B) "Recruitment" (Continued)

(3C) "Utilization of volunteers" (Continued)

t. Reserved

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1888u. (1) "Unfounded report" (Continued)

(1A) Continued

(1i) (Continued)

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1888v. (1) "Voluntary placement" (Continued)

(1A) (Continued)

(1i) (Continued)

HANDBOOK

1888 ~~RESERVED~~

(2B) "Voluntary placement agreement" (Continued)

(1i) (Continued)

1/(a) (Continued)

HANDBOOK

w. Reserved

x. Reserved

y. Reserved

z. Reserved

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 16506.1, Welfare and Institutions Code.



Renumber Section 30-109.111 to .112, adopt Section 30-109.111, and amend Sections 30-109, .1, and .112 to read:

30-109 INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS 30-109

.1 When dependency petitions are initiated by county ~~welfare~~  
~~department~~ (CWD) staff (workers) on behalf of a child who  
is or may be an Indian child ~~as defined by the ICWA (see~~  
~~section 30-134/17 et seq.)~~ the worker shall:

.11 Identify in the petition that the child is or may be  
an Indian child as defined by the ICWA.

.111 To make such a determination, the social worker  
shall ask the child, his parent or custodian  
whether the child is or may be a member of an  
Indian tribe, or whether the child identifies  
himself/herself as a member of a particular  
Indian organization.

.112 If a determination is made that a child is or  
may be an Indian child as defined by the ICWA  
after the initial petition is filed with the  
court, the county ~~welfare~~ ~~department~~ (CWD)  
shall file an amended petition notifying the  
court of this determination. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 10553, Welfare and Institutions Code  
and 25 USCA Section 1901 et. seq.



Renumber Section 30-110.2 to .3 and amend Section 30-110 to read:

30-110 ELIGIBILITY

30-110

.1 (Continued)

.11 This statute specifies as follows:

.111 Any child reported to the county ~~welfare~~  
~~department~~ to be endangered by abuse, neglect,  
or exploitation shall be eligible for initial  
intake and assessment services.

.2 If a child who is the subject of an emergency response  
referral is already receiving family maintenance, family  
reunification, or permanent placement services, the county  
shall be permitted to transfer the child's case to the  
Emergency Response Program for purposes of providing  
initial intake and assessment services.

.23 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 16504, Welfare and Institutions Code.

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Amend Sections 30-132.3 and .4 to read:

30-132 RESPONSE TO REQUESTS AND REFERRALS (Continued) 30-132

- .3 Upon the county's ~~welfare department's~~ receipt of a referral that is assessed to require an immediate in-person response, a social worker skilled in emergency response shall have immediate in-person contact with all children and available parent(s)/guardian(s) in situations requiring immediate response.
- .31 If all of the following circumstances exist and are documented in the Emergency Response, In-Person Response Case, the decision to contact any additional children in the family who are not present at the time of the initial response shall be at the discretion of the county ~~welfare department~~:
- .311 The county ~~welfare department~~ emergency response social worker has had in-person contact with the child(ren) alleged to be abused, neglected, or exploited and all other children present at the time of the social worker's initial response.
- .312 The county ~~welfare department~~ emergency response social worker has had in-person contact with the parent(s)/guardian(s) available at the time of the initial response.
- .313 The county ~~welfare department~~ social worker has made the necessary collateral contacts with persons having knowledge of the condition of the children.
- .4 All other in-person responses shall be made within ten calendar days after receipt of the referral and follow the instructions outlined in Sections 30-132.31 through .313.  
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 16501.1, Welfare and Institutions Code.



Amend Sections 30-134.1, .3, and .4 to read:

30-134 INITIAL EVALUATION

30-134

- .1 The social worker initially responding to a ~~request~~ of referral shall investigate the circumstances and facts to determine the following: (Continued)
- .3 If it is determined that child welfare services are necessary, the social worker shall immediately, or as soon as practically possible, provide or arrange for such services in accordance with the provisions of this chapter.
- .4 If it is determined that child welfare services are unnecessary, but that the services of another community agency are appropriate, the social worker shall refer the ~~request of referral~~ child and/or family to such agency and shall document the determination. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 16504, Welfare and Institutions Code.



Renumber Sections 30-144.3 and .4 to Sections 30-144.4 and .5; adopt Sections 30-144.11 and .3; and amend Sections 30-144.1, .4, and .5 to read:

30-144 SERVICE PLAN

30-144

.1 A service plan shall be developed based upon the assessment, and services shall be developed and initiated pursuant to the plan within ~~ten~~ 21- calendar days of the initial response ~~specified in Section 30-144.2.~~

.11 The date on which the Emergency Response Program social worker has had the first in-person, face-to-face contact with the child alleged to be abused, neglected, or exploited is the initial response date.

.2 (Continued)

.3 A service plan shall be completed if any additional child welfare services are provided after the initial evaluation.

.34 The ~~county welfare department~~ <sup>county</sup> ~~CWD~~ shall be permitted to comply fully or partially ~~comply~~ with the requirements specified in Section 30-144.2 ~~above~~ by means of the following:

.341 (Continued)

.342 (Continued)

.343 (Continued)

.45 The service plan shall have signed and dated, written ~~supervisory~~ approval of the emergency response social worker's supervisor within twenty-one calendar days of the initial response.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(a) and 16504.1, Welfare and Institutions Code.







Renumber Sections 30-162.12, .13, and .14 to Sections 30-162.13, .14 and .15, respectively; adopt Section 30-162.12; repeal Section 30-162.112; and amend Sections 30-162.11; .111, .111(c)(2) to read:

30-162 CASE MANAGEMENT

30-162

.1 For each child receiving emergency response services, the social worker shall:

.11 Have face-to-face contact with the child at least ~~once every seven~~ three times in the first 21- calendar days, after the initial response except as specified in Section 30-162.111 through 111Z below.

.111 The social worker shall be permitted to have less frequent face-to-face contact, up to a minimum of ~~once every 15~~ twice in the first 21 calendar days, only if the case record documents the existence of at least one of the following circumstances: (Continued)

(b) (Continued)

(c) (Continued)

(2) The child is contacted at least ~~once every seven~~ three times face-to-face every 21 calendar days by one or more of the following persons when such persons are providing services to the child pursuant to the service plan: (Continued)

111Z When a case is pending adjudication and has been in the emergency response program 21 calendar days, the social worker shall have face-to-face contact with the child at least once every 15 calendar days.

.12 Have face-to-face contact with the child no less than twice every 30 days when the child has been in the Emergency Response Program 21-calendar days after the initial face-to-face contact with the child.

.123 (Continued)

.134 (Continued)

.145 (Continued)



Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 10553 and 16504, Welfare and  
Institutions Code.



Amend Section 30-172.1, and adopt Sections 30-172.111, .121, and .132 to read:

30-172                      CASE TRANSFER TO FAMILY MAINTENANCE PROGRAM                      30-172

- .11 The child has been adjudicated a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that, family maintenance services be provided.

- .12 The child has the potential to be adjudicated a dependent of the court under Welfare and Institutions Code Section 300; and the family is willing to accept services and participate in corrective efforts to ensure that the child's protective needs are met.

- .13 A petition of jurisdiction over the child has been filed and subsequently dismissed, and the social worker, with the parent'(s)/guardian'(s) consent, is to undertake a program of supervision of the child in accordance with the provisions of Welfare and Institutions Code Section 330. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.



Adopt new Sections 30-174.111, .121, and .131, .14 and .141, and amend Section 30-174.1 to read:

30-174            CASE TRANSFER TO FAMILY REUNIFICATION OR            30-174  
PERMANENT PLACEMENT PROGRAMS

.1    The child's case shall be transferred to the ~~f~~Family ~~r~~Reunification or ~~p~~Permanent ~~p~~Placement ~~p~~Program, as provided in Sections 30-174.2 and .3 ~~by~~, under any of the following circumstances:

.11    The child has been adjudicated a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that the child be placed in foster care.

.111    The transfer-out date under such circumstances shall be the date of the hearing at which family reunification or permanent placement services are ordered.

.12    In a county which accepts voluntary foster care placements, the social worker has determined that emergency response of family maintenance services are not adequate to meet the protective needs of the child; and the parent(s)/guardian(s) has voluntarily requested foster care for the child.

.121    The transfer-out date under such circumstances shall be the date on which the emergency response social worker's supervisor approves the Emergency Response Program service plan recommending transfer of the child's case to the Family Reunification Program.

.13    The social worker has determined that emergency response or family maintenance services are not adequate to meet the protective needs of the child, and family reunification services are to be provided pending adjudication.

.131    The transfer-out date under such circumstances shall be the date on which the emergency response social worker's supervisor approves the Emergency Response Program service plan recommending transfer of the child's case to the Family Reunification Program.    (Continued)



.141    The transfer date under each of the following  
circumstances shall be the date of the hearing  
at which permanent placement services are  
ordered:

- Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.
- Reference: Sections 16501.1(a), 16501.2 and 16501.3, Welfare and Institutions Code.



Adopt Section 30-198.157 and amend Sections 30-198.131, .141 and .174 to read:

30-198 CASE RECORD (Continued)

30-198

.1 (Continued)

.13 The assessment specified in Section 30-142.

.131 ~~such assessment~~ There shall be a readily identifiable assessment in the case record/for each child and the assessment shall include the following information: (Continued)

.14 The service plan specified in Section 30-144.

.141 ~~such plans~~ There shall be a readily identifiable service plan in the case record/which includes information for each child and the service plan shall include the following information:

(a) ~~A determination regarding~~ The child welfare emergency response services to be provided while the child remains in the ~~Emergency Response~~ Programs.

.15 Copies of the following: (Continued)

.157 For children who have been assessed as being seriously emotionally disturbed, any available individualized education program.

.17 Documentation of the reason(s) for the following, when applicable: (Continued)

.174 The social worker's recommendation which shall be approved by the social worker's supervisor for the child's transfer to another child welfare services program.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code and 45 CFR 1356.21(d).



Adopt Sections 30-234.11 and .12 and amend Sections 30-234.1, and .5 to read:

30-234 SERVICE PLAN

30-234

- .1 A service plan shall be developed based upon the assessment. The Family Maintenance Program service plan ~~and~~ shall be ~~implemented~~ developed and initiated no later than 30 within 37 calendar days following after the date on which the child's case is transferred to the Family Maintenance Programs.
- .11 The transfer-in date for court-ordered cases shall be the date of the hearing at which family maintenance services are ordered.
- .12 The transfer-in date for voluntary cases shall be the date on which the emergency response or family reunification social worker's supervisor approves the Emergency Response or Family Reunification Program service plan recommending transfer of the child's case to the Family Maintenance Program. (Continued)
- .5 All initial service plans shall have signed and dated, written supervisory approval of the family maintenance social worker's supervisor within the 37-calendar day time frame specified for completion of the plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(b) and 16506.1, Welfare and Institutions Code.



30-244                      TEMPORARY PLACEMENT SERVICES (Continued)                      30-244

.42 SUCH Out-of-home respite care services shall not exceed 48 hours per session. Including weekends and no more than ten sessions shall be authorized in a six-month period. These services shall not be provided for the purpose of routine ongoing child day care.

Reference: Section 16506.1, Welfare and Institutions Code.



Amend Sections 30-252.11, .111(c), .2, and .213, to read:

30-252 CASE MANAGEMENT

30-252

.1 (Continued)

.11 Have face-to-face contact with the child at least twice every 1530 calendar days during the first 90 calendar days the case is open, and at least once a month thereafter, except as specified in Sections 30-252.111 through .111(e) ~~by law~~.

.111 The social worker shall be permitted to have less frequent face-to-face contact, up to a minimum of once each month, only if all of the following criteria are met: (Continued)

(c) The social worker schedules his/her contacts with the child so that such contacts, in combination with those made by the persons specified in Sections 30-252.111 through (3) ~~by law~~, ensure that the child receives face-to-face contact at least ~~once~~ twice every 1530 calendar days during the first 90 calendar days the case is open, as specified in Section 30-252.11 ~~by law~~. (Continued)

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.2 For parent(s)/guardian(s) receiving family maintenance services, the social worker shall have face-to-face contact at least ~~once~~ twice every 1530 calendar days during the first 90 calendar days the case is open, and at least once a month thereafter.

.21 The social worker shall be permitted to have less frequent face-to-face contact, up to a minimum of once a month, only if all of the following criteria are met: (Continued)

.213 The social worker schedules his/her contacts with the parent(s)/guardian(s) so that such contacts, in combination with those made by the persons specified in Sections 30-252.212(a) through (c) ~~by law~~, ensure that the parent(s)/guardian(s) receives face-to-face contact at least ~~once~~ twice every 1530 calendar days during the first 90 calendar days the case is open, as specified in Section 20-252.2 ~~by law~~. (Continued)



Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 10553 and 16506, Welfare and  
Institutions Code.



Adopt Section 30-262.111 and amend Sections 30-262.1, .11, .12, and .121 to read:

30-262 CASE TRANSFER

30-262

- .1 The social worker shall recommend to the court that the child's case be transferred to the ~~f~~Family ~~r~~Reunification or ~~p~~Permanent ~~p~~Placement ~~p~~Program under ~~e~~ither any of the following circumstances:
- .11 Family maintenance services have been unsuccessful, and the child will be endangered unless removed from the home. ~~has been placed pursuant to a the court order or voluntary placement agreement.~~
- .111 The transfer-out date under such circumstances shall be the date of the hearing at which family reunification or permanent placement services are ordered.
- .12 The time limits in Welfare and Institutions Code 16500 for voluntary family maintenance services have expired, but and the child continues to will be endangered unless removed from the home.
- .121 Under such circumstances, the social worker shall petition the court to declare the child a dependent, ~~and shall recommend that the child be removed from the home.~~ The transfer-out date shall be the date of the hearing at which family reunification or permanent placement services are ordered.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(b), 16501.2 and 16501.3, Welfare and Institutions Code.



Amend Sections 30-276.1, .131, .141 and .151; and adopt Section 30-276.167 to read:

30-276

CASE RECORDS

30-276

- .1 The county ~~welfare department~~ shall develop and maintain a current record for each ~~Family Maintenance Program~~ case. Such case record shall contain at least the following information: (Continued)
- .13 The assessment specified in Section 30-232.
- .131 ~~such assessment~~ There shall be a readily identifiable assessment in the case record/ for each child, and the assessment shall include the following information: (Continued)
- .14 The initial and modified service plans specified in Sections 30-234 and 30-256.
- .141 ~~such plans~~ There shall be a readily identifiable service plan in the case record/ which includes information for each child and the service plan shall include the following information: (Continued)
- .15 The reassessments specified in Section 30-254.
- .151 ~~such reassessments~~ There shall be a current, readily identifiable reassessment in the case record/ which includes information for each child who has been in the Family Maintenance Program for three months or longer and the reassessment shall include the following information: (Continued)
- .16 Copies of the following: (Continued)
- .167 For children who have been assessed as being seriously emotionally disturbed, any available individualized education program.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code and 45 CFR 1356.21(d)



Renumber Section 30-334.11 and .111 to .13 and .131, respectively; adopt Sections 30-334.11 and .12; and amend Sections 30-334.1 and .4 to read:

30-334 SERVICE PLAN

30-334

.1 A service plan shall be developed based upon the assessment/ ~~and shall be implemented no longer than 60 calendar days following the date on which the county welfare department assumes responsibility for providing child welfare services or removes the child from the parents/s/ guardian/s/ whichever occurs last/~~ The Family Reunification Program service plan shall be developed and initiated within 37 calendar days after the date on which the child's case is transferred to the Family Reunification Program.

.11 The transfer-in date for court-ordered cases shall be the date of the hearing at which family reunification services are ordered.

.12 The transfer-in date for voluntary cases shall be the date on which the emergency response or family maintenance social worker's supervisor approves the Emergency Response Program or Family Maintenance Program service plan recommending transfer of the child's case to the Family Reunification Program.  
(Continued)

.173 (Continued)

.1731 (Continued)

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.4 All initial service plans shall have signed and dated, written ~~supervisory~~ approval of the family reunification social worker's supervisor within the 37-calendar day time frame specified for the completion of the plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

11404(b)(3)

Reference: Sections 16501.2 and 16507.1, Welfare and Institutions Code.

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Amend Sections 30-336.22, .6, .621, .622, and .623(a) to read:

30-336 FOSTER CARE SELECTION (Continued) 30-336

- .2 When placing a child, the social worker shall adhere to the following priority order: (Continued)
- .22 A licensed family home or a family home certified by a licensed ~~nonaffiliated~~ foster family agency.  
(Continued)
- .6 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(c) and (d).  
(Continued)
- .62 Under such circumstances, the following requirements shall be met:
- .621 The sending county shall be responsible for providing direct supervision and ensuring provision of services in out-of-county placements unless the receiving county accepts responsibility or arranging for the provision of supervision and services by the receiving county in accordance with Sections 30-336.623 and .624.
- .622 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued reassessments.
- .623 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
- (a) A written agreement shall be executed between the receiving and sending counties which specifies that the receiving county shall be responsible for providing supervision and services to the child/ the respective responsibilities of each county. (Continued)
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 16507, Welfare and Institutions Code; and Section 1502(a)(4), Health and Safety Code.



Amend Section 30-338.212(a) to read:

30-338 PLACEMENT ACTIVITIES (Continued)

30-338

.2 (Continued)

.21 (Continued)

.212 Verification that the home has no safety defects which could pose a hazard to the child, including but not limited to the following:

- (a) An unfenced swimming pool if serving a child who is either under six years of age or has a disability. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16507.5, Welfare and Institutions Code,  
Cal. Code Regs., tit. 22, section 87087(d).

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30-350	REQUIREMENTS AFTER PLACEMENT	..	30-350
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

30



Repeal Section 30-352 to read:

30+352 POSTPLACEMENT SERVICES

30+352

11 The service-funded activities specified in Welfare and Institutions Code section 10501 shall be available as necessary to children and their families receiving family reunification program services after the child has returned home from placement.

111 This statute specifies that the following child welfare services shall be made available:

1111 Counseling/

1112 Emergency shelter care/

1113 Teaching and demonstrating homemakers/

1114 Parenting training/

1115 Transportation/

1116 Emergency in-home caretaker/

1117 Out-of-home respite care/

12 Postplacement services shall be limited to 90 calendar days from the date of the child's return home unless otherwise ordered by the court.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.



Adopt Section 30-354 to read:

30-354

CASE TRANSFER TO THE FAMILY MAINTENANCE  
PROGRAM

30-354

- .1 The child's case shall be transferred to the Family Maintenance Program under any of the following circumstances:
  - .11 The child has been adjudicated a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family maintenance services be provided.
    - .111 The transfer date under such circumstances shall be the date of the hearing at which family maintenance services are ordered.
  - .12 The child has the potential to be adjudicated a dependent of the court under Welfare and Institutions Code Section 300, and the family is willing to accept services and participate in corrective efforts to ensure that the child's protective needs are met.
    - .121 The transfer date under such circumstances shall be the date on which the family reunification social worker's supervisor approves the Family Reunification Program service plan recommending transfer of the child's case to the Family Maintenance Program.
  - .13 The child has returned to the parent'(s)/guardian'(s) home on a trial visit which has lasted 60 days.
    - .131 The transfer date under such circumstances shall be the 60th day of the trial visit, by which time the family reunification social worker's supervisor shall have approved the recommendation to transfer the case to the Family Maintenance Program as specified in Section 30-354.3.
- .2 The reason(s) for the recommendation to transfer the case shall be documented in the case record.
- .3 The recommendation for case transfer shall have dated, written approval of the family reunification social worker's supervisor.



Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 16501.1(b) and 16501.2, Welfare and  
Institutions Code.



Renumber entire existing Section 30-354 to 30-355; repeal Sections 30-355.1, .2, .34 and .511; renumber Sections 30-355.3, .31, .32, .33, .4, .5, .51, .512, .52, .53, .6, and .7 to Sections 30-355.1, .11, .12, .13, .3, .4, .41, .411, .42, .43, .5, and .6, respectively; adopt Sections 30-355.2, and .31; and amend Sections 30-355, .1, .11, .3, .4, .41, .411, .43, and .6 to read:

30-3545      CASE TRANSFER TO THE PERMANENT PLACEMENT PROGRAM      30-3545

11      The child's case shall be transferred to the Family Maintenance Program or the Permanent Placement Program as provided in Sections 30-354/2 and /3/

12      The child's case shall be transferred to the Family Maintenance Program under any of the circumstances specified under Section 30-172/

.31      The child's case shall be transferred to the Permanent Placement Program under any of the following circumstances unless the case is terminated pursuant to the provisions of Section 30-355:

.311      The statutory time limits of 12 to 18 months specified in Welfare and Institutions Code Sections 361.11/ 16507.1(a) and 16507.6 have expired from the original dispositional hearing at which the child was removed from the custody of his/her parents.

.312      (Continued)

.313      (Continued)

134      The court has determined, pursuant to Welfare and Institutions Code Section 361.3/ that Family Reunification Services shall not be ordered/

.2      The transfer date under each of the circumstances specified in Sections 30-355.11 through .13 shall be the date of the hearing at which permanent placement services are ordered.

.43      When a recommendation is made that a case be transferred to the Permanent Placement Program, the social worker shall perform the duties specified in Section 30-355/2/ give the parent(s)/guardian(s) written notice explaining the reason(s) for the recommendation to terminate family reunification services and the case.



- .31 The county shall be permitted to use a copy of the court report for purposes of notifying the parent(s)/guardian(s), if appropriate.
- .54 When recommending a permanent placement plan, the social worker shall adhere to the following priority order:
- .541 The case shall be reviewed jointly by foster care and adoption staff to determine the potential for adoption within one year of foster care placement, or earlier if family reunification does not appear to be feasible.
- 1511 Such review shall occur within one year of foster care placement or earlier if family reunification does not appear to be feasible.*
- .54121 When a case is referred for adoption planning, it shall remain under county welfare department supervision until dependency dismissal of dependency and issuance of an interlocutory or a final decree of adoption.
- .542 (Continued)
- .543 If adoption or guardianship is not possible, a recommendation for permanent long-term foster care placement shall be made.
- .65 (Continued)
- .76 The recommendation for case transfer shall have dated, written supervisory approval of the family reunification social worker's supervisor.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.2 and 16501.3, Welfare and Institutions Code.



Repeal Section 30-358 to read:

30-358 POSTPLACEMENT ACTIVITIES

30-358

- 11 When a child is returned home, the social worker shall provide those postplacement services specified in section 30-352 which are necessary in order to assist the family and child to adjust, and to prevent recurrence of the circumstances which led to placement.
- 12 When a recommendation is made that a case be transferred to the permanent placement program, the social worker shall give the parent(s)/guardian(s) written notice explaining the reason(s) for the recommendation that family reunification services be terminated, and that the case is being transferred.
- 13 The county shall be permitted to use a copy of the court report for purposes of notifying the parent(s)/guardian(s), if appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.



Renumber Section 30-376.16(a) through (g) to Sections 30-376.161 through .167, respectively; adopt Section 30-376.168; and amend Sections 30-376.1, .131, .141, .151, .165, .165(a), and .165(c) to read:

30-376

CASE RECORDS

30-376

- .1 The county ~~welfare department~~ shall develop and maintain a current record for each ~~Family Reunification~~ ~~Program~~ case. Such case record shall contain at least the following information: (Continued)
- .13 The assessment specified in Section 30-332.
  - .131 ~~Such assessment~~ There shall be a readily identifiable assessment in the case record/ for each child and the assessment shall include the following information: (Continued)
- .14 The initial and modified service plans specified in Sections 30-334 and 30-346.
  - .141 ~~Such plans~~ There shall be a readily identifiable service plan in the case record/ which includes information for each child and the service plan shall include the following information: (Continued)
- .15 The reassessments specified in Section 30-344.
  - .151 ~~Such reassessments~~ There shall be a current readily identifiable reassessment in the case record/ which includes information for each child who has been in the Family Reunification Program for six months or longer and the reassessment shall include the following information: (Continued)
- .16 Copies of the following:
  - ~~(a)~~.161 (Continued)
  - ~~(b)~~.162 (Continued)
  - ~~(c)~~.163 (Continued)
  - ~~(d)~~.164 (Continued)
  - ~~(e)~~.165 Medical and dental reports including, but not limited to, dated documentation of the following:



(1a) Provision of informational materials regarding the CHDP ~~Program~~, as specified in Section 40-107.6.

(7b) Offering of medical/dental transportation and scheduling assistance.

(3c) Acceptance or refusal of the CHDP services specified in Section 30-376.165(a) ~~127~~ ~~4004~~.

127.166 (Continued)

127.167 (Continued)

.168 For children who have been assessed as being seriously emotionally disturbed, any available individualized education program.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections <sup>366 and</sup> 10553, Welfare and Institutions Code; and 45 CFR 1356.21(d)

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Amend Section 30-378.1 to read:

30-378                    GRIEVANCE PROCEDURES                    .

30-378

- .1      Grievance procedures ~~which meet the requirements specified in sections 10-116 and 10-117 and in Division 22-000/~~ shall be developed to review complaints from foster parents, legal parents, guardians, and children, concerning the placement/ ~~care/~~ or removal of a child from a foster home. All issues shall be resolved in the best interest of the child. (Continued)

Authority Cited:    Sections    10553    and    10554,    Welfare    and  
   Institutions Code.

Reference:                    Section 16503, Welfare and Institutions Code.



Repeal Section 30-400.21 and renumber Sections 30-400.22 and .23 to Sections 30-400.21 and .22 respectively to read:

30-400 GENERAL

30-400

.1 (Continued)

.2 The following special provisions shall also apply:

*171 Voluntary placements shall be subject to the applicable provisions of section 30-364*

.221 (Continued)

.222 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

References: Section 10553, Welfare and Institutions Code.



Renumber Sections 30-434.11 and .111 to .12 and .121, respectively; adopt Sections 30-434.11 and .4; and amend Sections 30-434.1, .12, and .3 to read:

30-434 SERVICE PLAN

30-434

.1 A service plan shall be developed based upon the assessment, ~~and shall be implemented within 60 days after transfer/~~ and services shall be developed and initiated pursuant to the plan, within 67 calendar days after the date on which the child's case is transferred to the Permanent Placement Program.

.11 The transfer-in date shall be the date of the hearing at which permanent placement services are ordered.

.12 Notwithstanding the provisions specified in Section 30-434.1 ~~above~~, the eligibility of AFDC-FC children shall be governed by the provisions of Welfare and Institutions Code Section 11404(b)(3).

.121 This statute specifies as follows:

(a) The agency with responsibility for the child's placement and care must develop a case plan for the child within 30 days of placement.

.2 (Continued)

.3 The requirements specified in Sections 30-334.3 through .33, when applicable, ~~and in Section 30-334.4/~~ shall be met.

.4 All initial service plans shall have signed and dated, written approval of the permanent placement social worker's supervisor within the 67-calendar day time frame specified for the completion of the plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.3 and 16508.1, Welfare and Institutions Code; and 45 CFR 1356.21(d).

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Repeal Section 30-436.12; amend Section 30-436.1; and adopt Sections 30-436.12 through .16 to read:

30-436 PERMANENT PLACEMENT SELECTION

30-436

.1 Selection of a permanent placement shall be based upon criteria including, but not limited to, the following:

.11 (Continued)

~~.12 Applicable criteria specified in sections 30-330/12 through 117/~~

.12 The child's age, sex and cultural background, including ethnic and religious identification.

.13 Capability of the foster parent(s), adoptive parent(s), or guardian(s) to meet specific needs of the child.

.14 Appropriateness of attempting to maintain the child in his/her current school.

.15 The child's health and emotional factors.

.16 Anticipated special needs of the child, including but not limited to, transportation, diet, medical and/or psychological care, clothing, recreation, and special education. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16507.5 Welfare and Institutions Code and Section 275, Civil Code ~~of Procedure~~.

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Amend Section 30-442.6 and adopt Sections 30-442.61 through .64 to read:

30-442 PLACEMENT CASE MANAGEMENT

30-442

.6 The social worker shall provide the following services ~~specified in sections 30-442.61 through .63~~ to any foster parent(s) or guardian(s) with whom a child has been permanently placed.

.61 Telephone access to a social worker 24 hours a day, seven days a week in case of emergencies involving his/her foster child(ren).

.62 Ensure that the fosterparent(s) or guardian(s) understands and supports the service plan and is/are aware of any changes.

.63 Contact at least monthly and face-to-face contact at least every six months for foster parents.

.64 Face-to-face contact every six months for guardians.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 16508, Welfare and Institutions Code.



Amend Section 30-450.1 and adopt Sections 30-450.11 and .12 to read:

## 30-450 REQUIREMENTS AFTER PLACEMENT

30-450

- .1 Applicable requirements specified in Sections 30-454 through 30-458 shall be met when a child is permanently placed, ~~or transferred to another placement,~~ or when services to the child are terminated, or when the child's case is transferred to another child welfare services program.
- .11 The reasons for the recommendation to transfer the child's case or to terminate services shall be documented in the case record.
- .12 The recommendation for case transfer or termination shall have dated, written approval of the permanent placement social worker's supervisor.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.3, Welfare and Institutions Code.



Repeal Sections 30-454.3 and .4; and amend Section title and Section 30-454.1 to read:

30-454 CASE TRANSFER TO THE FAMILY MAINTENANCE PROGRAM 30-454

- .1 The child's case shall be transferred ~~when the court orders that the child is to be returned home or that reunification services are to be provided~~ to the Family Maintenance Program under either one of the following circumstances:
- .11 When the court orders that the child is to be returned home and that family maintenance services are to be provided.
- .111 The transfer date under such circumstances shall be the date of the hearing at which family maintenance services are ordered.
- .12 The child has returned to the parent'(s)/guardian'(s) home on a trial visit which has lasted 60 days.
- .121 The transfer date under such circumstances shall be the 60th day of the trial visit, by which time the permanent placement social worker's supervisor shall have approved the recommendation to transfer the case to the Family Maintenance Program.
- .2 (Continued)
- .21 (Continued)
- .3 ~~The reason(s) for the recommendation to transfer the case shall be documented in the case record.~~
- .4 ~~The recommendation for case transfer shall have written supervisory approval.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(b) and 16501.3, Welfare and Institutions Code.



Adopt Section 30-455 to read:

30-455 CASE TRANSFER TO THE FAMILY REUNIFICATION PROGRAM 30-455

- .1 The child's case shall be transferred to the Family Reunification Program only when the court orders that family reunification services are to be provided to both the parent and the child.
- .11 The transfer-out date under such circumstances shall be the date of the hearing at which family reunification services are ordered.
- .2 Before the case is transferred, the social worker shall provide the foster parent(s) with written notice explaining the court order, that permanent placement services are to be terminated, and that the case is being transferred.
- .21 The county shall be permitted to use a copy of the court report or modified service plan for the purpose of notifying the foster parent(s), if appropriate.

Authority Cited      Sections    10553    and    10554,    Welfare    and  
                                 Institutions Code.

Reference: Sections 16501.2 and 16501.3, Welfare and Institutions Code.



Amend Section 30-462.1 to read:

30-462 CONSENT OF FOSTER PARENT(S)

30-462

- .1 A foster parent providing ~~permanent out-of-home~~ long-term foster care to a child pursuant to a court orders ~~of~~ providing such services to a voluntarily placed child shall have the consent authority specified in Section 30-362.1.

Authority Cited: Sections' 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.



Repeal Section 30-464 to read:

30-464 ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS 30-464

11 In addition to the general requirements specified in this chapter, applicable provisions of section 30-264 shall govern the permanent placement of a child whose parent(s)/guardian(s) has voluntarily consented to such placement.

12 Services shall be limited as specified in Welfare and Institutions Code sections 10503/31.

121 This statute provides that services shall be limited to a period not to exceed six months.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.



Amend Sections 30-476.1, .121, .122, .123, .13, .131, .14, .141, and .15 and adopt Sections 30-476.151 through .158 to read:

30-476 CASE RECORDS

30-476

- .1 The county ~~welfare department~~ shall develop and maintain a current record for each ~~permanent placement program~~ case. Such case record shall contain at least the following information: (Continued)
- .12 The assessment specified in Section 30-432.
- .121 ~~Such assessment~~ There shall be a readily identifiable assessment in the case record.
- .122 For children referred from the ~~Family Reunification program~~, the assessment shall include the following information: (Continued)
- .123 For children not referred from the ~~Family Reunification program~~, the assessment shall include the information specified in Sections 30-376.131(a) through (e).
- .13 The initial and any modified service plans. ~~specified in sections 30-434 and 30-446/~~
- .131 ~~Such plans~~ There shall be a readily identifiable service plan in the case record/ and for each child, and the service plan shall include the following information: (Continued)
- .14 ~~The~~ Any reassessments. ~~specified in sections 30-432 and 30-444/~~
- .141 ~~Such reassessments~~ There shall be a current readily identifiable reassessment in the case record/ and for each child who has been in the Permanent Placement Program for six months, or longer and the reassessment shall include the following information: (Continued)
- .15 Copies of the ~~information specified in sections 30-376/381/414/415/~~ following information:
- .151 Any data or documents, relating to the child and/or his/her family, which have been received or sent by the county.



- .152 Any services application and eligibility determination documents.
- .153 Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- .154 Administrative review report recommendations.
- .155 Medical and dental reports including, but not limited to, dated documentation of the following:
- (a) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6.
  - (b) Offering of medical/dental transportation and scheduling assistance.
  - (c) Acceptance or refusal of the CHDP services specified in Section 30-476.155(a).
- .156 Any written modifications or prohibitions to the foster parent'(s) privilege to give legal consent for the child, if applicable.
- .157 Any written parent/guardian consents required by the regulations in this chapter.
- .158 For children who have been assessed as being seriously emotionally disturbed, any available individualized education program. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section <sup>366.3 and</sup> 10553, Welfare and Institutions Code and 45 CFR 1356.21(d).

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Repeal Sections 30-493.1, .4, and .5; renumber Sections 30-493.2, .3, .41, .411, .412, .413, .414, and .415 to Sections 30-493.1, .2, .31, .311, .313, .312, .314, and .315, respectively; adopt Sections 30-493.3, .4, .41, .42, and .5; and amend Section 30-493 (Title) and Sections 30-493.311 and .313 to read:

30-493

AGENCY COUNTY RESPONSIBILITIES

30-493

11 THE agency responsible for the placement and care of a child, as defined in Welfare and Institutions Code Section 11400.177, shall meet the requirements specified in 12 through 13 below.

12 .1 (Continued)

13 .2 (Continued)

14 .3 A written administrative review plan shall be developed, maintained, and implemented. The county shall develop, maintain, and implement a written administrative review plan.

.431 The plan shall include the following:

.4311 The number and size of review panels established as specified in Sections 30-493.21 through .2111 above.

.4312 (Continued)

.4313 Procedures for notification of participating parties, as specified in Sections 30-495.1 and .2.

.4314 (Continued)

.4315 (Continued)

.4 Prior to implementing the administrative review plan the county shall submit written certification that their plan meets all requirements specified in Sections 30-493.3 through .315.

.41 The written certification specified in Section 30-493.4 shall be submitted to the Department of Social Services (SDSS) for approval prior to implementation.

.42 The county shall document and maintain records of all modifications to the administrative review plan.



15 The plan shall be submitted to the department for approval prior to implementation/

151 All agencies responsible for the conduct of administrative reviews for the children specified in the statutory provisions referenced in section 307491 shall submit plans directly to the department/

152 If the county welfare department/ in conjunction with the county juvenile court/ elects not to use the administrative review process for dependents/ the county shall notify the department of its decision to utilize judicial review/

153 Modifications to the approval plan shall be submitted to the department for approval prior to implementation/

.5 If the plan is modified, the county shall recertify to the SDSS that the county's plan continues to meet all the requirements.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.



Amend Section 30-494.13 to read:

30-494 PARTICIPANTS IN THE REVIEW

30-494

.1 The following parties to the case under review shall be allowed to participate in the administrative review hearing: (Continued)

.13 The child, if ~~12~~ 10 years of age or older.  
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.



Repeal Section 30-495.1; renumber Section 30-495.2 to Section 30-495.1; adopt Sections 30-495.11 through .161; and amend Section 30-491.1 to read:

30-495 NOTIFICATION REGARDING THE REVIEW

30-495

~~11 At the time of initial placement in foster care, the requirements specified in Section 30-330.2 shall be met.~~

~~.21 At least Not earlier than 30 days and no later than 15 days prior to a scheduled administrative review hearing, the agency shall provide written notice of the hearing to the following parties: specified in Sections 30-494.11, 113, 114 and 116.~~

~~.11 The parent(s)/guardian(s) from whom the child has been removed, provided that such person's parental rights have not been voluntarily relinquished, or terminated by court action.~~

~~.12 Any other relative of the child who has been significantly involved in his/her care.~~

~~.13 The child, if 10 years of age or older.~~

~~.14 The current foster care provider(s).~~

~~.15 The social worker(s) responsible for the child's or parent's/guardian's case management or service delivery.~~

~~.16 The representative(s) of the child and of the parent(s)/guardian(s) as defined in Section 30-002(y).~~

~~.161 Such representative(s) shall be allowed to attend the review in the child's and parent(s)/guardian(s) place or company.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

Changes  
withdrawn  
7/17/89



Repeal Section 30-498.21 and .22 and include .22 as Handbook Section 30-498.216; adopt Section 30-498.3; include Handbook Sections 30-498.21 through .215; renumber Sections 30-498.3, .4, and .41 through .44 to Sections 30-498.4, .5, and .51 through .54, respectively; and amend Sections 30-498.1 .11, and .2 to read:

30-498

# REPORTS FROM THE REVIEW PANEL

30-498

.1 The administrative review panel shall complete or direct the completion of a written report of including, but not limited to the following information: ~~each review within 15 calendar days of the hearing.~~

.11 The panel shall be permitted to use a copy of the service plan to fully or partially comply with the requirement specified in Section 30-498.1 above, provided that the requirements specified in Sections 30-498 .2 through .3 below are met.

.2 The report shall include determinations the following as specified in Welfare and Institutions Code Section 16503(a) and 42 USC 675(5).

~~.21 The determinations specified in the statutory provisions referenced in Section 30-498.11.~~

.22 If modification of the placement, the permanent placement plan, the case plan goals, or services is necessary, a list of specific changes including time frames for their completion.

.21 This statute provides that administrative reviews are to be conducted in order to determine the following:

.211 The continuing appropriateness of the placement.

.212 The continuing appropriateness of and extent of compliance with the permanent plan for the child.

.213 The extent of compliance with the case plan.

.214 The adequacy of services provided to the child.

.215 A projection of the likely date by which the child may be returned home, or placed for adoption or legal guardianship.

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~~.216 If modification of the placement, the permanent placement plan, the case plan goals, or services is necessary, a list of specific changes including time frames for their completion.~~

- .3 Each review shall be held within 15 calendar days of the hearing.
- .34 (Continued)
- .45 (Continued)
- .451 (Continued)
- .452 (Continued)
- .453 (Continued)
- .454 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section <sup>366,</sup> 16503, Welfare and Institutions Code.

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OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 17 1989

At 4:57 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES  
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OAL File No: 89-0615-03  
-----

(Except section 30-495 is withdrawn)

[Signature]  
LINDA BREWER  
DIRECTOR

07/17/89  
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FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

89-0428-05  
89-0616-04R  
(See Instructions on Reverse)

RDB #0988-39

1989 JUN 16 PM 2:47

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR

JUL 17 1989

For use of Office of Adm Law

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information is reflected on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date:

6-14-89

FILED

In the office of the Secretary of State  
of the State of California

JUL 17 1989

At 4:49 o'clock P. M.

MARCH FONG EU, Secretary of State

By *[Signature]*  
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING  
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

63-501.526

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: 4/28/89 File No. 89-0428-05

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other \_\_\_\_\_

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA  
ADMINISTRATIVE NOTICE REGISTER

11/25/88

b. DATE OF FINAL AGENCY ACTION

6-14-89

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.  
CODE SEC. 11346.8(c))

3/27/89 to 4/13/89

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)



## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)



63-501 RESOURCE DETERMINATIONS (Continued)  
526 Table I Determining Value of Licensed Vehicles

63-501

TABLE I DETERMINING VALUE OF LICENSED VEHICLES

Step 1	Step 2	Step 3
Totally exclude if:	Determine Fair Market Value* (FMV)	Determine Equity Value* <sup>if</sup> <del>if</del> Not Exempt for the Following Reasons:
1. Income producing (over 50%)	1. Use "blue book" for wholesale basic value	1. Exempt under Step 1
2. Annually producing income consistent with FMV	2. <del>Use "blue book" for</del> <del>wholesale basic value</del>	2. <del>Exempt under Step 1</del> <u>One car, regardless</u> <u>of use</u>
3. Necessary to employment other than daily commuting, e.g., traveling salesman	3. <del>If above cannot be used</del> <sup>then use:</sup> <u>. Household verification</u> <u>. Newspaper ad</u> <u>. Tax assessment</u> <u>. Other reliable sources</u>	3. <del>One car, regardless</del> <u>of use</u> <u>Used to accept or</u> <u>continue employment</u>
4. Household home		4. Used to seek or attend training or education preparatory to employment
5. Used to transport a physically disabled household member		<del>One car, regardless</del> <u>of use</u> <u>Used to accept or</u> <u>continue employment</u>
<del>IF NONE</del> IF <del>ANY</del> OF THE ABOVE GO TO STEP 2	COUNT ONLY THE EXCESS OVER \$4500 FOR EACH VEHICLE AND IF THE TOTAL EXCESS DOES NOT EXCEED THE HOUSEHOLD'S MAXIMUM ALLOWABLE RESOURCE LIMIT THEN GO TO STEP 3	FMV IF THE <del>FAIR MARKET VALUE</del> AND THE <del>EQUITY</del> ARE DETERMINED FOR ANY ONE VEHICLE, ONLY THE GREATER OF THE TWO AMOUNTS SHALL BE COUNTED TOWARD THE HOUSEHOLD'S RESOURCE LIMITS

\* Equity value equals FMV less encumbrances.



OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 17 1989

At 4:49 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By Louella Cruz  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 89-0616-04

  
LINDA BREWER  
DIRECTOR

07/17/89



## FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 21 1989

At 4:34 o'clock P. M.  
MARCH FONG EU, Secretary of StateBy *Erinella Cruz*  
Deputy Secretary of StateOFFICE OF  
ADMINISTRATIVE LAWENDORSED  
APPROVED FOR FILING

JUL 21 1989

Office of Administrative Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH REMAINING AUTHORITY

Date:

**REGULAR**

1. AGENCY CONTACT PERSON FOR THIS FILING  
(See instructions) Rosalie Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance  
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)  
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:  
Title MPP  
SECTIONS ADOPTED:  
SECTIONS AMENDED:  
21-103, 21-107, 21-115, 21-116, 21-203, 21-205  
SECTIONS REPEALED:  
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 21-103, 21-107, 21-115, 21-116, 21-201, 21-203, 21-205
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
☐ prior to the emergency adoption  
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?  
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: \_\_\_\_\_
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?  
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: \_\_\_\_\_
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)  
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)  
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)  
☐ Other \_\_\_\_\_ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER  
September 9, 1988  
b. DATE OF FINAL AGENCY ACTION  
June 22, 1989  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) April 21, 1989 to May 5, 1989, inclusive
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☒ Effective 30th day after filing with the Secretary of State.  
b. ☐ Effective upon filing with the Secretary of State.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_  
d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.  
e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)



## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
  - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
  - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
  - If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)




DELEGATED AUTHORITY ORDER

I hereby authorize and designate the following individuals as the agency contact persons who have authority, during the Office of Administrative Law review period, to make decisions and answer questions regarding regulations adopted by the Department of Social Services.

Rosalie P. Clark, Chief  
Regulations Development Bureau

James Rhoads, Assistant Chief  
Regulations Development Bureau

This designation shall be effective on 8-26-88, 1988 and shall remain in effect until superseded or cancelled.

  
Linda S. McMahon  
Director

8-26-88  
Date



Amend Section 21-103 to read:

21-103 SCOPE OF DIVISION

21-103

These requirements shall apply to the State Department of Social Services (SDSS), all county welfare departments and all other agencies receiving federal or state assistance through the Department of Social Services for the administration of Public Assistance, Food Stamps, Child Support Enforcement and Social Services. These regulations do not apply to an individual who is the ultimate recipient of assistance.

•1 (Continued)

•2 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR Sections 80.1 thru 80.3.



Amend Section 21-107 to read:

21-107 DISSEMINATION OF INFORMATION

21-107

- 1 General Requirements (Continued)
- 2 Specific Methods to be Utilized
  - 21 Posters (Continued)
  - 22 Pamphlets
    - 221 Pamphlets supplied by SDSS entitled "Your Rights Under California Welfare Programs"/"Sus Derechos" shall be made available in all CWD waiting rooms and reception areas and shall be distributed and explained to each applicant/recipient at intake and redetermination of eligibility. The pamphlets, as available from SDSS, shall be in the primary languages of the CWD's applicant/recipient population.
  - 23 Notice (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 7290 thru 7299.8, Government Code; and 7 CFR 272.4(b).



Amend Section 21-115 to read:

21-115      PROVISION FOR SERVICES TO NON-ENGLISH-SPEAKING      21-115  
AND HANDICAPPED APPLICANTS AND RECIPIENTS (continued)

- 2 Agencies shall provide forms or other written material in the individual's primary language. Forms and other written material required for the provision of aid or services shall be available and offered to the applicant/recipient in the individual's primary language when such forms or and other written material is are provided by SDSS. When such forms or and other written material contain spaces (other than "for agency use only") in which the agency is to insert information, this inserted information shall also be in the individual's primary language. (Continued)

Authority Cited:      Sections 10553 and 10554, Welfare and Institutions Code.

Reference:              Sections 7290 thru 7299.8, Government Code; and 7 CFR 272.4(b).



Adopt Section 21-116 to read:

21-116 DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS 21-116

- .1 Each agency shall maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with the requirements of Division 21.
- .2 Each agency shall ensure that case record documentation identifies the applicant's/recipient's ethnic origin and primary language in accordance with Section 21-201.21. In those cases where the applicant/recipient is non-English speaking, the agency shall:
  - .21 Document the individual's acceptance or refusal of forms or other written material offered in the individual's primary language [HANDBOOK: (see Section 21-115.2)].
  - .22 Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter, client provided interpreter.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 7290 thru 7299.8, Government Code; 7 CFR 272.4(b); and 45 CFR Sections 80.1 thru 80.3.



Amend Section 21-201 to read:

21-201 COMPLIANCE PROCEDURES AND REPORTING

21-201

- 1 Assignment of Resources to Implement Requirements of this Division.

Responsibility for the implementation of nondiscrimination requirements shall be centralized within each agency. Each agency shall designate an employee as the Civil Rights Coordinator, and shall allocate Adequate personnel and resources ~~shall be allocated~~ to implement the provisions of this division and ensure nondiscrimination in the delivery of services. Methods and staff used to meet Division 21 requirements may vary from county to county. To determine agency compliance, the following factors will be considered:  
(continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR Sections 80.1 thru 80.3.



Amend Section 21-203 to read:

21-203 APPLICANT/RECIPIENT COMPLAINS OF  
DISCRIMINATORY TREATMENT (continued)

21-203

•2 Procedures for Processing Complaints

All complaints of discrimination will be addressed in accordance with the following procedures:

•21 The CWD shall maintain a control log in which all complaints of discrimination are entered in alphabetical order by the complainant's last name. At a minimum the log shall provide:

•211 Complainant's name.

•212 Date complaint was received.

•213 SDSS/CRB case number, if any.

•214 Program(s) involved.

•215 Basis of discrimination: age, race, sex, etc.

•216 Resolution: early resolution, CWD investigation, withdrawn.

•217 Decision: discrimination, no discrimination.

•22 A complaint of discrimination shall be filed either verbally or in writing.

•221 The CWD shall be permitted to ask the complainant to fill out a complaint form but shall not make it a condition of filing a complaint.

•222 The CWD shall accept complaints of discrimination filed anonymously.

•243 (Continued)

•244 (Continued)

•245 (Continued)

•246 (Continued)



.257 The CWD shall inform the complainant of ~~his/her~~ the right to appeal a CWD decision to SDSS or the appropriate federal agency within 30 calendar days of the date on which the CWD mails, or otherwise provides the complainant with the results of the investigation. SDSS shall inform the complainant of ~~his/her~~ the right to similarly appeal an SDSS decision to the appropriate agency.

.2571 An CWD/SDSS decision resulting from a complaint based on race, color, national origin, political affiliation, religion, sex, age or handicap may be appealed to the United State Department of Agriculture (USDA) if the complaint involves the Food Stamp Program.

.2572 An CWD/SDSS decision resulting from a complaint based on race, color, national origin, age or handicap may be appealed to the United States Department of Health and Human Services (HHS) for all other federally assisted programs.

.268 (Continued)

### .3 Procedures for Investigating Complaints

In order to maintain consistency in the conduct of investigations, the following procedures shall apply.

.31 (Continued)

.32 Interview with Complainant

When scheduling an interview with the complainant, the complainant shall be advised that a representative or counsel may be present at the interview.

.321 Arrangements shall be made for a personal interview with the complainant. Prior to beginning the interview, the person assigned to investigate the case shall explain confidentiality requirements, make special provisions to and make reasonable efforts to ensure that the complainant is able to communicate effectively fully, including the using of interpreters, readers, etc., if necessary. and obtain the following information shall be obtained during the interview:



(a) (Continued)

(b) (Continued)

(c) (Continued)

(d) (Continued)

(e) (Continued)

(f) (Continued)

(g) (Continued)

(h) (Continued)

(i) (Continued)

(j) (Continued)

- 33 Interview with the employee alleged to have acted in a discriminatory manner.

When scheduling an interview with the employee, the employee shall be advised of the right to have a representative or counsel present.

- 331 The investigator should identify the complainant and describe the nature of the complaint. The employee's statement should be taken concerning the complaint issues. The employee should be advised that such statements will be available to the complainant as part of the investigation.  
(Continued)

•4 (Continued)

•5 (Continued)

•6 (Continued)

•7 Retention

The agency shall retain the written complaint, a record of its disposition and the investigation report required by Section 21-203.24 for a minimum of three (3) years from final disposition. All such records shall be maintained in a secure location with access limited to personnel assigned to the Civil Rights Program.



Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: 45 CFR Sections 80.1 thru 80.3.



Amend Section 21-205 to read:

21-205 CORRECTIVE ACTION

21-205

- .1 Corrective action may be required as a result of an investigation, or compliance review, or other determination by SDSS that an agency is not in compliance with the requirements of Division 21.

Such corrective action shall accomplish the following:

- a. 11 Resolution of the problem which initiated, or was discovered as a result of an investigation or compliance review.
- b. 12 Development of a policy or plan to ensure that problems of a similar nature will not recur.
- .2 An agency shall implement corrective action determined necessary as a result of an investigation, or compliance review, or other determination shall be implemented within a period of reasonable time, as determined by SDSS after conferring with the agency. In no event shall initial implementation be extended beyond 60 days.
- .3 Sanctions for Noncompliance (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR Sections 80.1 and 80.3.



OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION  
OF  
APPROVAL

**FILED**  
in the office of the Secretary of State  
of the State of California

JUL 21 1987

At 4:34 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By Louella Cruz  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 89-0623-03  
-----

Linda Brewer  
LINDA BREWER  
DIRECTOR

07/21/89  
-----



## FACE SHEET

(See Instructions on Reverse)

RDB #1288-59

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 25 1989

At 4:08 o'clock P.M.  
MARCH FONG EU, Secretary of State

By *Smella*  
Deputy Secretary of State  
For use by Secretary of State only

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

*L. S. Mohl*

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 7-25-89

1989 JUL 25 10 15 AM  
OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING  
JUL 25 1989

Office of Administrative Law

For use of Office of Adm Law

1. AGENCY CONTACT PERSON FOR THIS FILING  
(See instructions)  
Rosalie Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)  
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)  
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:  
Title \_\_\_\_\_  
SECTIONS ADOPTED: \_\_\_\_\_  
SECTIONS AMENDED: See attached list  
SECTIONS REPEALED: \_\_\_\_\_  
b. The following sections listed in 3a contain modifications to the text originally made available to the public: \_\_\_\_\_
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)  
☐ prior to the emergency adoption  
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?  
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: \_\_\_\_\_
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?  
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☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)  
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)  
☐ Other \_\_\_\_\_ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER  
3/3/89  
b. DATE OF FINAL AGENCY ACTION  
July 25, 1989  
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))  
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)  
a. ☐ Effective 30th day after filing with the Secretary of State.  
b. ☒ Effective upon filing with the Secretary of State, July 25, 1989.  
c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_  
d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)  
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.  
e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)



## INSTRUCTIONS FOR STD 400

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- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
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- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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  - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
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- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
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- b. Provide the date on which the regulatory agency adopted the regulatory changes.
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- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
  - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
  - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
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### FILING REQUIREMENTS

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- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)



Face Sheet (Std. Form 400 (Continued))

3. a. Sections Adopted:

Manual of Policies and Procedures (MPP) Sections 11-404 and 40-003.

Sections Amended: MPP Sections 11-400.1, 11-402.15 and .23, 30-142.2, 30-198.131, 30-332.2, 30-376.131, 30-476.123, 44-206.1, 45-101, 45-200, 45-201, 45-302.21, and 45-302.1.

Sections Amended:

Title 22 Sections 80029(b), 83078, 34065.5, 84078, 87029(b), and 87078.

Sections Repealed: None.







Amend Sections 11-402.15 and .23 to read:

11-402 GROUP HOME RATE SETTING

11-402

.1 Rate Determination Process (Continued)

.15 Rate Computation

.151 In computing the monthly rate per child for each program, the total allowable costs for the cost reporting period for each program adjusted pursuant to .14 above, shall be divided by eighty-five percent of the licensed capacity for the cost reporting period except as specified in Section 11-402.151(b).

(a) Changes in licensed capacity during the year shall be prorated according to the length of time the program operated under each capacity.

(b) The following applies when computing the monthly rate per child for programs which include a minor parent(s) who has his/her child(ren) living with him/her in placement. This applies only to such programs where the licensed capacity includes the children receiving an infant supplement.

(1) The provider shall report the program's actual occupancy for the cost period in a format prescribed by the Department.

(2) The total allowable costs for the cost reporting period adjusted pursuant to Section 11-402.14, shall be divided by the average actual occupancy of the program for the cost reporting period. Average actual occupancy is the number of days children (excluding a child(ren) living with his/her minor parents(s)) are in the placement, divided by the number of days in the cost period.

BEGIN HANDBOOK

(3) Example of calculation to determine average actual occupancy of a program:



Excluding children living with their  
minor parents:

(A) Multiply the number of group home  
children who were in the program  
for the entire month by the  
number of days in the month. Add  
the number of days for other  
children admitted or discharged  
during the month. The first day  
of care is counted; the last day  
is not. Do this for each month  
in the cost reporting period.

(B) Then, add the monthly totals and  
divide this number by the number  
of days in the cost reporting  
period. The resulting number is  
the average actual occupancy for  
the cost reporting period.

END HANDBOOK

11-402          GROUP HOME RATE SETTING    (Continued)

11-402

.2      Allowable cost    (Continued)

.23      Costs that are not allowable shall include but not be  
         limited to the following:

1231    (a)      (Continued)

1232    (b)      (Continued)

1233    (c)      (Continued)

1234    (d)      (Continued)

1235    (e)      (Continued)

1236    (f)      (Continued)

1237    (g)      (Continued)

1238    (h)      (Continued)

1239    (i)      (Continued)



(j) Any cost for a child living with his/her  
minor parent.

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 11462 and 11465, Welfare and  
Institutions Code.



Adopt Section 11-404 to read:

11-404                      INFANT SUPPLEMENT

11-404

- .1 The infant supplement paid shall be a uniform amount to cover the cost of care and supervision of a child in addition to the rate that would otherwise be paid for the minor parent's placement.
- .11 The amount paid for a child living with a minor parent in a group home placement who receives AFDC-FC shall be \$708 per month per child.
- .12 The amount paid for a child living with a minor parent in an eligible facility other than a group home who receives AFDC-FC shall be \$326 per month per child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11465, Welfare and Institutions Code.



Amend Section 30-142.2 to read:

30-142 ASSESSMENT (Continued)

30-142

.2 The assessment shall include the information specified in Sections 30-198.131(a) through (f).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.



Amend Section 30-198.131 to read:

30-198 CASE RECORDS

30-198

.1 (Continued)

.13 (Continued)

.131 (a) (Continued)

(3) Other significant persons, including  
children and siblings, who are known  
to reside in the home. (Continued)

(f) If the child is a parent,  
identification of any special needs  
of the child with regard to his/her  
role as a parent.

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 11404(b)(2), Welfare and Institutions  
Code.



Amend Section 30-332.2 to read:

30-332            ASSESSMENT (Continued)

30-332

.2     The assessment shall include the information specified in  
Sections 30-376.13 through .131 (gh).

Authority Cited:   Sections   10553   and   10554,   Welfare   and  
                         Institutions Code.

Reference:           Section 10553, Welfare and Institutions Code.



Amend Section 30-376.131 to read:

30-376 CASE RECORDS

30-376

.1 (Continued)

.13 (Continued)

.131 (a) (Continued)

(3) Other significant family members,  
including children, siblings, and  
others living in the home.  
(Continued)

(f) If the child is a parent, identification  
of any special needs of the child with  
regard to his/her role as a parent.

(fg) (Continued)

(gh) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 11404(b)(2), Welfare and Institutions  
Code.



Amend Section 30-476.123 to read:

30-476 CASE RECORDS

30-476

.1 (Continued)

.12 (Continued)

.123 For children not referred from the ~~Family~~  
~~Reunification~~ ~~Program~~ the assessment shall  
include the information specified in Sections  
30-376.131(a) through (~~of~~).

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.



40-003      IMPLEMENTATION OF EXCLUSION FROM ASSISTANCE      40-003  
UNIT OF CHILD OF MINOR PARENT RECEIVING AFDC-FC

- Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

11



Amend Section 44-206.1 to read:

44-206            PERSONS WHO MUST BE EXCLUDED FROM THE            44-206  
                 ASSISTANCE UNIT (AU)

.1      The following persons shall be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.4 or .5): (Continued)

(c)      A child living with a minor parent who is a recipient of AFDC-FC.

Authority Cited:    Sections    10553    and    10554,    Welfare    and  
   Institutions Code.

Reference:            Section 11263.5, Welfare and Institutions Code  
   and 42 USCA, Section 602(a)(4).



Amend Section 45-101 to read:

45-101            DEFINITIONS (Continued)

45-101

(jj) Infant Supplement is the amount paid to an eligible facility in addition to the AFDC-FC payment for the minor parent for a child living with his/her minor parent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11465, Welfare and Institutions Code.



Amend Section 45-200 to read:

45-200 AFDC-FC ELIGIBILITY (Continued)

45-200

- .2 An infant supplement shall be paid for the care and supervision of a child living with his/her minor parent in the same eligible facility when the minor parent meets either of the requirements in Sections 45-200.11 or .12.
- .3 The payment sections MPP Section 44-206 shall be effective February 28, 1989 and MPP Section 45-302.21 shall be effective March 1, 1989.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 11465, Welfare and Institutions Code.



45-201 GENERAL AFDC-FC REQUIREMENTS (Continued) 45-201

.41 (Continued)

.6     A child living with his/her AFDC-FC eligible minor parent  
in the same eligible facility does not need a separate  
eligibility determination. The eligibility for the infant  
supplement is based on the minor parent's AFDC-FC  
eligibility determination.

Reference: Sections 11404(b)(2) and 11465, Welfare and Institutions Code.



45-302      PAYMENT (Continued)

.2 (Continued)

.211      An infant supplement shall be paid in addition to a minor parent's AFDC-FC payment for a child who is living in the same eligible facility with a minor parent who is receiving AFDC-FC.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

16



Amend Section 45-802.1 to read:

45-802            AAP ELIGIBILITY

45-802

.1        (Continued)

.13    A child for whom a facility received a federally  
funded infant supplement is eligible for federal AAP  
as long as the conditions of Welfare and Institutions  
Code Section 16120 are met.

Authority Cited:    Sections    10553    and    10554,    Welfare    and  
   Institutions Code.

Reference:            42 USCA, Section 673(a)(2)(A)(iii).



Amend and renumber Section 80029(b) to read:

80028 CAPACITY DETERMINATION (Continued)

80028

(b) (Continued)

(4) Facilities which accept minor parents and his/her child(ren) shall have such children included in the facility's licensed capacity.

(~~4~~5) (Continued)

(~~5~~6) (Continued)

(~~6~~7) (Continued)

Authority Cited: Sections 1523, 1524 and 1530, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501, 1523, 1524, 1528 and 1531, Health and Safety Code.



Amend Section 83078 to read:

83078            RESPONSIBILITY FOR PROVIDING CARE  
                 AND SUPERVISION (Continued)

83078

(b)    The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.

(1)    Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

Authority Cited:    Section 1530, Health and Safety Code.

Reference:            Section 11465, Welfare and Institutions Code  
                         and Sections 1501 and 1531, Health and Safety  
                         Code,



Amend and renumber Section 84065.5 to read:

84065.5        STAFF/CHILD RATIOS (Continued)

84065.5

(b)    When the facility is providing direct care and supervision to the child(ren) of a minor parent(s) in placement, there shall be present on-duty, one child care staff person for every four children of minor parents, or fraction thereof.

(b)    (Continued)

Authority Cited:    Section 1530, Health and Safety Code.

Reference:            Section 11465, Welfare and Institutions Code  
                          and Sections 1501 and 1531, Health and Safety  
                          Code.



Amend and renumber Section 84078 to read:

84078            RESPONSIBILITY FOR PROVIDING CARE AND            84078  
                 SUPERVISION (Continued)

(c)    The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent(s) in placement.

(1)    Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

(d)    (Continued)

Authority Cited:    Section 1530, Health and Safety Code.

Reference:            Section 11465, Welfare and Institutions Code  
                         and Sections 1501 and 1531, Health and Safety  
                         Code.



Amend and renumber Section 87029(b) to read:

87028 CAPACITY DETERMINATION (Continued)

87028

(b) (Continued)

(3) Facilities which accept a minor parent and his/her child(ren) shall have such child(ren) included in the facility's licensed capacity.

(~~3~~4) (Continued)

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Section 11465, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.



Amend Section 87078 to read:

87078                    RESPONSIBILITY FOR PROVIDING CARE AND                    87078  
                         SUPERVISION   (Continued)

(b)   The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.

(1)   Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

Authority Cited:   Section 1530, Health and Safety Code.

Reference:            Section 11465, Welfare and Institutions Code and Sections 1521, 1530 and 1531, Health and Safety Code.



OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

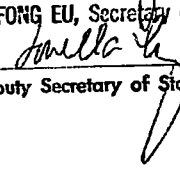
**FILED**

In the office of the Secretary of State  
of the State of California

JUL 2 1989

At 4:08 o'clock P. M.

MARCH FONG EU, Secretary of State

By   
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES  
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OAL File No: 89-0725-06  
-----

  
LINDA BREWER  
DIRECTOR

07/25/89  
-----



FACE SHEET

89-062802  
RDB #1187-50  
(See Instructions on Reverse)

1989 JUN 28 PM 3:53

OFFICE OF  
ADMINISTRATIVE LAW

ENDORSED  
APPROVED FOR FILING  
JUL 28 1989

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES  
(AGENCY)

*L. S. McKel*  
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 6-15-89

FILED  
In this office of the Secretary of State  
of the State of California

JUL 28 1989  
At 4:20 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
- | NAME                 | TITLE                          | TELEPHONE |
|----------------------|--------------------------------|-----------|
| Rosalie Clark, Chief | Regulations Development Bureau | 445-0313  |
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
- Title CCR
- SECTIONS ADOPTED: SEE ATTACHED
- SECTIONS AMENDED: SEE ATTACHED
- SECTIONS REPEALED: \_\_\_\_\_
- b. The following sections listed in 3a contain modifications to the text originally made available to the public: SEE ATTACHED
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: \_\_\_\_\_
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL: \_\_\_\_\_
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
- |  |   |
|--|---|
| <input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) | <input type="checkbox"/> Building Standards Commission (Attach approval)                    |
| <input type="checkbox"/> State Fire Marshall (Attach approval)                             | <input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399) |
| <input type="checkbox"/> Other _____   |   |
- (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER: 8/5/88
- b. DATE OF FINAL AGENCY ACTION: June 26, 1989
- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)): 5/5/89 to 5/22/89
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on \_\_\_\_\_ as required or allowed by the following statute(s): \_\_\_\_\_
- d. ☐ Effective on \_\_\_\_\_ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on \_\_\_\_\_ (Designate effective date *later than* the normal effective date for the type of order filed.)



## INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
  - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
  - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
  - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
  - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
  - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
  - If an effective date later than specified above is requested, provide the date.

### FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)



Adopt Sections 35000(f)(1) and (7); and renumber Sections 35000(a) through (z), and (aa) through (zz) to read:

SUBCHAPTER 1 ADOPTION PROGRAM TERMINOLOGY

35000 DEFINITIONS

35000

(a)(1) (Continued)

(b2) (Continued)

(c3) (Continued)

(d4) (Continued)

(e5) (Continued)

(f6) (Continued)

(g7) (Continued)

(1A) (Continued)

(2B) (Continued)

(3C) (Continued)

(h8) (Continued)

(1A) (Continued)

(2B) (Continued)

(i9) (Continued)

(b) Reserved

(j)(c)(1) (Continued)

(k2) (Continued)

(l3) (Continued)

(1A) (Continued)

(2B) (Continued)

(3C) (Continued)



(4D) (Continued)

(5E) (Continued)

(M4) (Continued)

(H5) (Continued)

(06) (Continued)

(P)(d)(1) (Continued)

(Q2) (Continued)

(R3) (Continued)

(e) Reserved

(f)(1) "FBI criminal record" means the "FBI identification record" as specified in Title 28, Code of Federal Regulations (CFR) Section 16.31.

((f)(1)(A) Reserved)

HANDBOOK BEGINS HERE

(A) Title 28, Code of Federal Regulations (CFR) Section 16.31 reads in relevant part as follows:

"An FBI identification record often referred to as a 'rap sheet', is a listing of certain information taken from fingerprint cards submitted to and retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprint cards submitted in connection with Federal employment, naturalization or military service. The identification record includes the name of the agency or institution which submitted the fingerprint card to the FBI. If the fingerprint card concerns a criminal offense, the identification record includes the date arrested or received, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint cards, disposition reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Identification Division is not the source of the arrest data reflected on an identification record."



HANDBOOK ENDS HERE

(s2) (Continued)

(t3) (Continued)

(u4) (Continued)

(v5) (Continued)

(w6) (Continued)

(7) "Full state criminal record" means the "State summary criminal history information" as specified in Penal Code Section 11105(a)(2).

((f)(7)(A) Reserved)

HANDBOOK BEGINS HERE

(A) Penal Code Section 11105(a)(2) reads in relevant part as follows:

"(i) 'State summary criminal history information' means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as the name, date of birth, physical description, fingerprints, date of arrests, arresting agencies and booking numbers, changes, dispositions, and similar data about such person."

"(ii) 'State summary criminal history information' does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice."

HANDBOOK ENDS HERE

(x)(g)(1) (Continued)

(y)(2) (Continued)

(aa)(h) (Continued)



+bb+(i)(1) (Continued)

+bb+(t)(A) (Continued)

+ee+(2) (Continued)

+dd+(3) (Continued)

+t+(A) (Continued)

+ee+(4) (Continued)

+t+(A) (Continued)

+ff+(5) (Continued)

+t+(A) (Continued)

+gg+(6) (Continued)

+t+(A) (Continued)

+hh+(7) (Continued)

+t+(A) (Continued)

+ii+(8) (Continued)

+t+(A) (Continued)

+jj+(9) (Continued)

+t+(A) (Continued)

+kk+(10) (Continued)

+tt+(11) (Continued)

+t+(A) (Continued)

+mm+(12) (Continued)

(j) Reserved

(k) Reserved

(l) Reserved

+nn+(m) (Continued)



(n) Reserved

(o) Reserved

+oo+(p)(1) (Continued)

+pp+(2) (Continued)

+tt+(A) (Continued)

+qq+(3) (Continued)

+rr+(4) (Continued)

+tt+(A) (Continued)

+ss+(5) (Continued)

(q) Reserved

+tt+(r)(1) (Continued)

+uu+(2) (Continued)

+vv+(3) (Continued)

+ww+(s)(1) (Continued)

+xx+(2) (Continued)

+yy+(3) (Continued)

+z+(4) (Continued)

+tt+(A) (Continued)

+z+(B) (Continued)

(t) Reserved

(u) Reserved

(v) Reserved

+zz+(w) (Continued)

(x) Reserved

(y) Reserved



(z) Reserved

Authority Cited: Sections 10554, 16118, 16118(a), and 16141, Welfare and Institutions Code, and Section 1530, Health and Safety Code.

Reference: Sections 10553, 10554, 10800, 16000, 16115, 16116, 16118, 16120, and 16121, Welfare and Institutions Code; Sections 25, 62, 221, 224, 224m, 224n, 224q, 226.1, 226.2, 226.4, 226.6, 226a, 226c, 227, 227b, 232, 239, 7001, 7002, 7003, 7004, and 7017, Civil Code; Sections 251.2 and 1502, Health and Safety Code; 8 USC 1101(b)(1)(f); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), (12); 42 USC 673 and 675; and Section 11105(a)(2), Penal Code; and 28 CFR Section 16.31.



Amend Section 35037(b) to read:

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS

Article 1 ADMINISTRATION OF PUBLIC AND PRIVATE AGENCIES

35037 FEES (Continued)

35037

(b) Adoption agencies shall collect fees for criminal record clearances.

((b)(1) and (2) Reserved)

HANDBOOK BEGINS HERE

- (1) Civil Code Section 226.55 provides that any fee charged by a law enforcement agency for fingerprinting or for checking or obtaining the criminal record of the applicant or petitioner shall be paid by the applicant or petitioner.
- (2) Civil Code Section 226.55 provides that the adoption agency or the Department may defer, waive, or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, when the child has been in the foster care of the adoptive parents for at least one year, or if necessary for the placement of a special needs child.

HANDBOOK ENDS HERE

- (3) When the adoption agency or the Department defers, waives, or reduces the fee to be paid by the applicant or petitioner, the adoption agency or the Department is responsible for payment of the fees to the Department of Justice.

((3)(A) and (B) Reserved)

HANDBOOK BEGINS HERE

- (A) Fees which are paid by the local public adoption agency are reimbursable and should be entered as an overhead cost in the



Amend Section 35037(b) to read:

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS

Article 1 ADMINISTRATION OF PUBLIC AND PRIVATE AGENCIES

35037 FEES (Continued)

35037

(b) Adoption agencies shall collect fees for criminal record clearances.

((b)(1) and (2) Reserved)

HANDBOOK BEGINS HERE

- (1) Civil Code Section 226.55 provides that any fee charged by a law enforcement agency for fingerprinting or for checking or obtaining the criminal record of the applicant or petitioner shall be paid by the applicant or petitioner.
- (2) Civil Code Section 226.55 provides that the adoption agency or the Department may defer, waive, or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, when the child has been in the foster care of the adoptive parents for at least one year, or if necessary for the placement of a special needs child.

HANDBOOK ENDS HERE

- (3) When the adoption agency or the Department defers, waives, or reduces the fee to be paid by the applicant or petitioner, the adoption agency or the Department is responsible for payment of the fees to the Department of Justice.

((3)(A) and (B) Reserved)

HANDBOOK BEGINS HERE

- (A) Fees which are paid by the local public adoption agency are reimbursable and should be entered as an overhead cost in the



quarterly Administrative Expense Claim on form DFA 325.1, line K, Operating Costs.

- (B) Fees for fingerprinting and criminal record clearance paid by licensed private adoption agencies related to adoption of a special needs child are reimbursable through the Private Agency Reimbursement Program under Additional Direct Costs.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 16118, and 16141, Welfare and Institutions Code; Section 1530, Health and Safety Code, and Section 226.55, Civil Code.

Reference: Sections 224t, 225p, 226.55, and 227(e), Civil Code; and Section 89137, Title 22, California Code of Regulations.



Amend Section 35047(a) to read:

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS

Article 2 CONTENT OF CASE RECORD (Continued)

35047 ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS 35047

(a) In addition to the requirements of Title 22 California Code of Regulations, Sections 89179 and 89182, adoption case records shall contain the following, as appropriate:  
(Continued)

(22) The fingerprint card(s) (BID-7) returned from the Department of Justice (DOJ), full state criminal record, if any, and the FBI criminal record, if any;

(23) Justification for any deferment, waiver, or reduction in the DOJ fee charged for checking or obtaining the criminal record of the applicant or petitioner.

((23)(A) Reserved)

HANDBOOK BEGINS HERE

(A) Civil Code Section 226.55 provides that the adoption agency or the Department may defer, waive, or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, when the child has been in foster care with adoptive parents for at least one year, or if necessary for the placement of a special needs child.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 226.55, Civil Code.

Reference: Section 10553, Welfare and Institutions Code; Sections 1501, 1502, 1503, and 1508, Health and



Safety Code; Sections 89179 and 89182, Title  
22, California Code of Regulations; and Section  
226.55, Civil Code.



Amend Sections 35087(a) to read:

SUBCHAPTER 4 PROCEDURES FOR INDEPENDENT ADOPTIONS

Article 1 AGENCY RESPONSIBILITY (Continued)

35087 DOCUMENTATION TO FACILITATE ASSESSMENT (Continued) 35087

(a) The agency shall obtain the following documentation ~~from the~~  
for all petitioners to facilitate the assessment:  
(Continued)

(1) (Continued)

(2) (Continued)

(3) (Reserved)

(4) (Reserved)

(5) (Reserved)

(6) (Reserved)

{7} The full state criminal record, if any, from the State  
Department of Justice (DOJ).

((7)(A) Reserved)

HANDBOOK BEGINS HERE

(A) Civil Code Section 226.55 reads in relevant part  
as follows:

"The State Department of Social Services, a local  
public adoption agency, or a licensed private  
adoption agency shall require all persons filing  
an application or a petition to adopt a child to  
be fingerprinted and shall secure from an  
appropriate law enforcement agency any criminal  
record of that person to determine whether the  
person has ever been convicted of a crime other  
than a minor traffic violation. Those agencies  
may also secure the full criminal record, if any,  
of those persons."

HANDBOOK ENDS HERE



(B) The Agency shall submit one set of fingerprints for each petitioner to the DOJ.

1. The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

((B)2. through 6. Reserved)

HANDBOOK BEGINS HERE

2. The DOJ form BID-7 is used to submit a set of fingerprints to the DOJ.
3. The BID-7 forms can be ordered at no charge from the DOJ.
4. The DOJ procedure for obtaining a criminal record is described in the "APPLICANT FINGERPRINT CLEARANCE MANUAL." This manual can be obtained from the DOJ at no cost.
5. DOJ requires that a check or money order payable to the "California Department of Justice" accompany the submittal of the fingerprint cards unless the agency has arranged for a monthly billing service.
6. The address for the DOJ is:

Department of Justice  
Bureau of Criminal Identification  
P.O. Box 903417  
Sacramento, CA 94203-4170

HANDBOOK ENDS HERE

(C) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the completion of the adoption.

((C)1. Reserved)



HANDBOOK BEGINS HERE

1. The DOJ has a simple one-page form for this purpose entitled: "Contract for Subsequent Arrest Notification Service." This form can be obtained from and returned to the same address as provided in Section 35087(a)(7)(B)6.

HANDBOOK ENDS HERE

(D) The agency shall notify the DOJ (pursuant to Penal Code Section 11105.2c) when the adoption has been finalized, denied, or dismissed to discontinue receiving subsequent arrest information on a subject previously fingerprinted for adoption purposes, unless the petitioner is being assessed or investigated by the agency for another adoption.

((D)1. and 2. Reserved)

HANDBOOK BEGINS HERE

1. The address for the DOJ is given in Section 35087(a)(7)(B)6.
2. The DOJ Bureau of Criminal Identification also has a form entitled "No Longer Interested Notification" to be used for this purpose.

HANDBOOK ENDS HERE

(E) The agency shall require new sets of fingerprints and shall make new requests for state criminal records to the DOJ in the event of subsequent adoptions unless the Subsequent Arrest Notification Service is still in effect.

(8) The FBI criminal record, if any, of the petitioner, from the DOJ when the petitioner has resided in California for less than two years or when information gathered in the assessment has given the agency reason to believe



that the petitioner may have committed a crime in another jurisdiction.

(A) The agency shall have reason to believe that the person may have committed a crime in another jurisdiction because of any of the following: statements or actions by the petitioners; statements by people providing references; a history of arrests and convictions in California; and employment in another state.

(B) The agency shall submit one set of fingerprints for each petitioner requiring an FBI criminal record clearance to the DOJ.

((B)1. and 2. Reserved)

HANDBOOK BEGINS HERE

1. This set of fingerprints is separate from the set submitted to the DOJ for the DOJ full state criminal record.
2. Refer to Section 35087(a)(7)(B) for related information.

HANDBOOK ENDS HERE

(C) The agency shall require new sets of fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Sections 226.2, 226.5, 226.55 and 226.6, Civil Code.



Amend Section 35089(a) to read:

35089      OBTAINING IDENTIFYING INFORMATION AND EVALUATING      35089  
PETITIONERS DURING ASSESSMENT

(a) The assessment of the petitioner shall include:

(1) Obtaining the following identifying information\* on the petitioner and any children and adults residing in the home: (Continued)

(2) Evaluation of\* the following for the petitioner and any children and adults residing in the home: (Continued)

(3) Evaluation of:

(A) The full state criminal record, if any, of the petitioner and if required by Section 35087(a)(8) the FBI criminal record, if any.

((A)1.Reserved)

HANDBOOK BEGINS HERE

1. Civil Code Section 226.55 reads in relevant part as follows:

The record, if any, shall be taken into consideration when evaluating a prospective adoptive parent, and an assessment of the effects of his or her criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.



Reference:

Sections 226.2, 226.5, 226.55, and 226.6, Civil  
Code, and Section 11105.2, Penal Code.



Amend Section 35123(a)(1) to read:

SUBCHAPTER 4 PROCEDURES FOR INDEPENDENT ADOPTIONS

Article 4 FINALIZATION OF ADOPTION

35123 CONTENT OF COURT REPORT AND REQUIREMENT FOR FILING 35123

(a) The agency shall file the court report on an adoption petition within 180 days of the filing of the adoption petition unless an extension of time has been granted by the court.

(1) The court report shall contain a summary of the facts disclosed by the study, an evaluation of these, and a recommendation as to the granting of the petition.  
(continued)

(B) The court report shall include the assessment of the effect of any criminal record on the petitioner's ability to provide adequate and proper care and guidance to the child.

1. The agency shall utilize the most up-to-date criminal record information in its preparation of the court report.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 226.55, Civil Code.

Reference: Section 226.55 and 226.6, Civil Code.



Amend Section 35189(a) to read:

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS

Article 6 ASSESSMENT OF THE APPLICANT

35189 IDENTIFYING INFORMATION AND EVALUATION OF 35189  
CHARACTERISTICS OF APPLICANT

(a) The assessment of an applicant ~~including any children or adults residing in the home~~ shall include:

(1) Obtaining the following identifying information: on the applicant and any children and adults residing in the home: (Continued)

(2) Evaluation of the following for the applicant and any children and adults residing in the home: (Continued)

(3) Evaluation of:

(A) The full state criminal record, if any, of the applicant and if required by Section 35195(a)(8) the FBI criminal record, if any, from the DOJ.

((3)(A)1. Reserved)

HANDBOOK BEGINS HERE

1. Civil Code Section 226.55 reads in relevant part as follows:

The record, if any, shall be taken into consideration when evaluating a prospective adoptive parent and an assessment of the effects of his or her criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.

HANDBOOK ENDS HERE



Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Sections 226.55, 226.6, and 276, Civil Code; and Section 10553(e), Welfare and Institutions Code.



Amend Section 35195(a) to read:

35195      ADDITIONAL REQUIREMENTS FOR ASSESSMENT  
            OF ADOPTIVE APPLICANTS

35195

(a) The agency shall obtain the following documentation for all applicants to facilitate the assessment: (Continued)

(7) The full state criminal record, if any, from the State Department of Justice (DOJ).

((7)(A) Reserved)

HANDBOOK BEGINS HERE

(A) Civil Code Section 226.55 reads in relevant part as follows:

"The State Department of Social Services, a local public adoption agency, or a licensed private adoption agency shall require all persons filing an application or a petition to adopt a child to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. Those agencies may also secure the full criminal record, if any, of those persons."

HANDBOOK ENDS HERE

(B) The Agency shall submit one set of fingerprints for each applicant to the DOJ.

1. The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

((B)2. through 6. Reserved)

HANDBOOK BEGINS HERE

2. The DOJ form BID-7 is used to submit a set of fingerprints to the DOJ.



3. The BID-7 forms can be ordered at no charge from the DOJ.
4. The DOJ procedure for obtaining a criminal record is described in the "APPLICANT FINGERPRINT CLEARANCE MANUAL." This manual can be obtained from the DOJ at no cost.
5. DOJ requires that a check or money order payable to the "California Department of Justice" accompany the submittal of the fingerprint cards unless the agency has arranged for a monthly billing service.
6. The address for the DOJ is:  
  
Department of Justice  
Bureau of Criminal Identification  
P.O. Box 903417  
Sacramento, CA 94203-4170

HANDBOOK ENDS HERE

(C) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the completion of the adoption.

((C)1. Reserved)

HANDBOOK BEGINS HERE

1. The DOJ has a simple one-page form for this purpose entitled: "Contract for Subsequent Arrest Notification Service." This form can be obtained from and returned to the same address as provided in Section 35195(a)(7)(B)6.

HANDBOOK ENDS HERE

(C) The agency shall notify the DOJ (pursuant to Penal Code Section 11105.2c), Bureau of Criminal Identification when the adoption has been



finalized, denied, or dismissed to discontinue receiving subsequent arrest information on a subject previously fingerprinted for adoption purposes, unless the applicant is being assessed or investigated by the agency for another adoption.

((D)1. and 2. Reserved)

HANDBOOK BEGINS HERE

1. The address for the DOJ is given in Section 35087(a)(7)(B)6.
2. The DOJ Bureau of Criminal Identification also has a form entitled "No Longer Interested Notification" to be used for this purpose.

HANDBOOK ENDS HERE

(E) The agency shall require new sets of fingerprints and shall make new requests for state criminal records to the DOJ in the event of subsequent adoptions unless the Subsequent Arrest Notification Service is still in effect.

(8) The FBI criminal record, if any, of the applicant, from the DOJ when the applicant has resided in California for less than two years or when information gathered in the assessment has given the agency reason to believe that the applicant may have committed a crime in another jurisdiction.

(A) The agency shall have reason to believe that the person may have committed a crime in another jurisdiction because of, but not be limited to, the following: statements or actions by the applicants; statements by people providing references; a history of arrests and convictions in California; and employment in another state.

(B) A licensed public adoption agency and an Adoptions District Office (DO) of SDSS shall directly obtain FBI criminal record information from the DOJ regarding their applicants if required by Section 35195(a)(8) by submitting one set of fingerprints



for each applicant requiring an FBI criminal record clearance to the DOJ.

((B)1. and 2. Reserved)

HANDBOOK BEGINS HERE

1. This set of fingerprints is separate from the set submitted to the DOJ for the DOJ full state criminal record.
2. Refer to Section 35195(a)(7)(B) for related information.

HANDBOOK ENDS HERE

(C) A licensed private adoption agency shall obtain an FBI criminal record clearance for its applicants if required by Section 35195(a)(9) as follows:

1. Submit a separate set of fingerprints to the DOJ for the FBI criminal record designating the SDSS - Adoptions Branch as the "CONTRIBUTING AGENCY".
2. Clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance request.
3. The agency shall also submit a copy of the criminal record clearance request to the SDSS - Adoptions Branch to request the SDSS to complete an assessment of the applicant's FBI criminal record when it is received from the DOJ. For notification purposes, the agency shall include its name and address on this copy of the request.

((C)4. and 5. Reserved)

HANDBOOK BEGINS HERE

4. Refer to Section 35195(a)(7)(B) for related information.



5. The address for the SDSS Adoptions Branch is:

SDSS-Adoptions Branch  
Services Bureau  
744 P Street, MS 19-31  
Sacramento, California 95814

HANDBOOK ENDS HERE

- (D) The agency shall require new sets of fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions unless the Subsequent Notification Service is still in effect.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Section 10553(e), Welfare and Institutions Code; Section 226.55, Civil Code; and Section 11105.2, Penal Code.



Amend Section 35197 to read:

35197      WRITTEN NOTIFICATION OF AGENCY'S DECISION      35197  
REGARDING THE ADOPTIVE PLACEMENT OF A CHILD AND  
GRIEVANCE REVIEW PROCEDURES

(a) The agency shall provide the applicant with written notification of its decision regarding the adoptive placement of a child with the applicant.

(1) The agency shall not approve an application for the adoptive placement of a child until the agency has completed the assessment process as specified in Subchapter 5, Article 6, Section 35183 et seq.

(2) Written notification of the agency's decision that the application is approved for the adoptive placement of a child shall include identification of age, race, gender and characteristics of children considered for placement.

(3) A licensed private adoption agency shall not approve an application for the adoptive placement of a child prior to receiving written notification from the SDSS - Adoptions Branch that the information contained in an FBI criminal record of an applicant does not preclude an adoptive placement.

~~††~~(4) Written notification of the agency's decision not to approve the application for the adoptive placement of a child shall include identification of the factors, such as those listed in Section 35189 which led to the agency's decision.

~~††~~(b) The agency shall inform the applicant in writing of the agency's grievance review procedure and the right of the applicant to file a grievance with the agency within 30 days of receipt of the agency's decision.

(1) When a grievance concerns an action based on the FBI criminal record, the agency shall comply with the procedures set forth at Section 35233(a)(1)(D).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.



Reference:

Section 10553(e), Welfare and Institutions  
Code; Sections 224n and 226.55, Civil Code, and  
Section 11105.2, Penal Code.



Adopt Section 35201(a)(1) and renumber Sections 35201(1) to (2), (2) to (3), and (3) to (4) to read:

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS

Article 7 PLACEMENT

35201 PRIORITY PLACEMENT REQUIREMENT 35201

(a) In choosing adoptive parents for a child, the agency shall:

(1) Consider from among approved applications as provided for in Section 35197(a).

~~††~~(2) (Continued)

~~†2~~(3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Section 10553(e), Welfare and Institutions Code; and Sections 226.55, and 276, Civil Code.



Adopt Section 35229(a)(2) to read:

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS

Article 8 SUPERVISION OF AN ADOPTIVE PLACEMENT AND COMPLETION OF THE ADOPTION

35229 COMPLETION OF THE ADOPTION

35229

(a) If the agency approves the adoption, it shall file with the court a report recommending the adoption, join in the petition and give its consent to the adoption. (Continued)

(2) The court report shall include the assessment of the effect of any criminal record on the applicant's ability to provide adequate and proper care and guidance to the child.

(A) The agency shall utilize the most up-to-date criminal record information in its preparation of the court report.

(B) A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the SDSS - Adoptions Branch shall provide written notice to the SDSS at least twenty working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request the SDSS assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.

(C) If the SDSS - Adoptions Branch is not able to complete the court report by the time indicated in the private agency notice, the SDSS shall advise the agency prior to the anticipated hearing date so that the hearing date may be postponed.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Section 10553(e), Welfare and Institutions Code; and Section 226.55 and 226.6(b), Civil Code.



Adopt Sections 35233(a)(1)(D) to read:

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS

Article 9 GRIEVANCE REVIEW

35233 WRITTEN REQUEST FOR GRIEVANCE REVIEW

35233

(a) (Continued)

(1) The agency shall advise applicants or prospective parents that the request for a grievance review hearing shall: (Continued)

(C) Be submitted to the agency within thirty days of the agency action which is the subject of the complaint, except as specified in (D) below.

(D) Be submitted to the SDSS - Adoptions Branch if the grievance concerns an action taken by a licensed private adoption agency based on the FBI criminal record.

((D)1. Reserved)

HANDBOOK BEGINS HERE

1. The agency will inform the applicant that in some cases two grievance reviews may be necessary.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Sections 10553(e) and 10950, Welfare and Institutions Code; and Section 226.55, Civil Code.



Amend Section 35269(a) to read:

SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 3 ASSESSMENT OF THE APPLICANT (Continued)

35269 DOCUMENTATION FROM THE APPLICANT 35269

(a) The agency shall obtain the following documentation from the for all applicants to facilitate the assessment: (Continued)

(5) The full state criminal record, if any, from the State Department of Justice (DOJ).

((5)(A) Reserved)

HANDBOOK BEGINS HERE

(A) Civil Code Section 226.55 reads in relevant part as follows:

"The State Department of Social Services, a local public adoption agency, or a licensed private adoption agency shall require all persons filing an application or a petition to adopt a child to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. Those agencies may also secure the full criminal record, if any, of those persons."

HANDBOOK ENDS HERE

(B) The Agency shall submit one set of fingerprints for each applicant to the DOJ.

1. The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

((B)2. through 6. Reserved)



HANDBOOK BEGINS HERE

2. The DOJ form BID-7 is used to submit a set of fingerprints to the DOJ.
3. The BID-7 forms can be ordered at no charge from the DOJ.
4. The DOJ procedure for obtaining a criminal record is described in the "APPLICANT FINGERPRINT CLEARANCE MANUAL." This manual can be obtained from the DOJ at no cost.
5. DOJ requires that a check or money order payable to the "California Department of Justice" accompany the submittal of the fingerprint cards unless the agency has arranged for a monthly billing service.
6. The address for the DOJ is:

Department of Justice  
Bureau of Criminal Identification  
P.O. Box 903417  
Sacramento, CA 94203-4170

HANDBOOK ENDS HERE

- (C) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the completion of the adoption.

((C)1. Reserved)

HANDBOOK BEGINS HERE

1. The DOJ has a simple one-page form for this purpose entitled: "Contract for Subsequent Arrest Notification Service." This form can be obtained from and returned to the same address as provided in Section 35269(a)(5)(B)6.



HANDBOOK ENDS HERE

- (D) The agency shall notify the DOJ (pursuant to Penal Code Section 11105 when the adoption has been finalized, denied, or dismissed to discontinue receiving subsequent arrest information on an applicant previously fingerprinted for adoption purposes unless the applicant is being assessed or investigated by the agency for another adoption.

((D)1. and 2. Reserved)

HANDBOOK BEGINS HERE

1. The address for the DOJ is given in Section 35269(a)(5)(B)6.
2. The DOJ Bureau of Identification also has a form entitled "No Longer Interested Notification" to be used for this purpose.

HANDBOOK ENDS HERE

- (E) The agency shall require new sets of fingerprints and shall make new requests for state criminal records to the DOJ in the event of subsequent adoptions unless the Subsequent Arrest Notification Services is still in effect.
- (6) The FBI criminal record, if any, of the applicant, from the DOJ when the applicant has resided in California for less than two years or when information gathered in the assessment has given the agency reason to believe that the applicant may have committed a crime in another jurisdiction.
- (A) The agency shall have reason to believe that the person may have committed a crime in another jurisdiction because of, but not be limited to, the following: statements or actions by the applicants; statements by people providing references; a history of arrests and convictions in California; and employment in another state.

((6)(B) Reserved)



HANDBOOK BEGINS HERE

- (9) In addition, the Immigration and Naturalization Services (INS) requires an FBI criminal record clearance for each applicant. This clearance is obtained by the INS.

HANDBOOK ENDS HERE

(C) A licensed private adoption agency shall obtain an FBI criminal record clearance for its applicants if required by Section 35269(a)(6) as follows:

1. Submit a separate set of fingerprints to the DOJ for the FBI criminal record clearance designating the SDSS - Adoptions Branch as the "CONTRIBUTING AGENCY".
2. Clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance request.
3. The agency shall submit a copy of the criminal record clearance request to the SDSS - Adoptions Branch to request the SDSS to complete an assessment of the applicant's FBI criminal record when it is received from the DOJ. For notification purposes, the agency shall include its name and address on this copy of the request.

((C) 4. and 5. Reserved

HANDBOOK BEGIN HERE

4. Refer to Section 35269(a)(5)(B) for related information.



5. The address for the SDSS Adoptions Branch is:

SDSS-Adoptions Branch  
Services Bureau  
744 P Street, MS 19-31  
Sacramento, CA 95814

HANDBOOK ENDS HERE

(D) The agency shall require new sets of fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions unless the Subsequent Notification Service is still in effect.

Authority Cited: Sections 10553, 10554, and 16144, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Section 1641, Welfare and Institutions Code; and Section 226.55, Civil Code.



Amend Section 35271(a)(2) to read:

35271 IDENTIFICATION OF THE APPLICANT AND EVALUATION 35271  
OF SPECIFIC CHARACTERISTICS

(a) The assessment of the applicant shall include: (Continued)

(2) Evaluation of: (Continued)

(G) The full state criminal record, if any, of the applicant and if required by Section 35269(a)(6) the FBI criminal record, if any, from the DOJ.

((G)1. Reserved)

HANDBOOK BEGINS HERE

1. Civil Code Section 226.55 reads in relevant part as follows:

The record, if any, shall be taken into consideration when evaluating a prospective adoptive parent, and an assessment of the effects of his or her criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 16141, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.

Reference: Section 16141, Welfare and Institutions Code; and Section 226.55, Civil Code.



Amend Section 35273 to read:

35273 WRITTEN NOTIFICATION OF AGENCY'S DECISION 35273  
REGARDING PLACEMENT OF A CHILD AND GRIEVANCE  
REVIEW PROCEDURES

(a) The agency shall provide the applicant with written notification of its decision regarding the adoptive placement of a child with the applicant.

(1) The agency shall not approve an application for the adoptive placement of a child until the agency has completed the assessment process as specified in Subchapter 6, Article 3, Section 35257 et seq.

~~††~~(2) Written notification of the agency's decision that the application is approved for the adoptive placement of a child shall include identification of age, race, gender and characteristics of children considered for placement.

(3) The agency shall not approve an application for adoptive placement of a child prior to receiving written notification from the SDSS - Adoptions Branch that the information contained in an FBI criminal record of an applicant does not preclude an adoptive placement.

~~†2~~(4) Written notification of the agency's decision not to approve the application for the adoptive placement of a child shall include identification of the factors, such as those listed in Subchapter 6, Article 3, Section 35257 et seq. Section 35269 and Section 35271 which led to the agency's decision.

~~†A~~(b) The agency shall inform the applicant in writing of the agency's grievance review procedure and the right of the applicant to file a grievance with the agency within 30 days of receipt of the agency's decision.

(1) When a grievance concerns an action based on the FBI criminal record, the agency shall comply with the procedures set forth at Section 35233(a)(1)(D).

Authority Cited: Sections 10553, 10554, and 16141, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.55, Civil Code.



Reference:

Section 16141, Welfare and Institutions Code;  
and Section 226.55, Civil Code.



Adopt Section 35315(a)(3)(A) to read:

SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 8 INTERCOUNTRY ADOPTIONS COURT REPORT (Continued)

35315 CONTENT OF THE COURT REPORT

35315

(a) The report shall include: (Continued)

- (3) A full report of the information obtained in the assessment of the applicant as required by in Subchapter 6, Article 3, Sections 35257 et seq. 35269 and 35271.

(A) The court report shall include the assessment of the effect of the criminal record on the applicant's ability to provide adequate and proper care and guidance to the child.

1. The agency shall utilize the most up-to-date criminal record information in its preparation of the court report.

(1.(i) Reserved)

HANDBOOK BEGINS HERE

- (i) Article 3 Section 35271(a)(2)(G)1. contains the relevant part of Civil Code Section 226.55.

HANDBOOK ENDS HERE

2. A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the SDSS - Adoptions Branch shall provide written notice to the SDSS at least twenty working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request that the SDSS - Adoptions Branch assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.



3.      If the SDSS - Adoptions Branch is not able to complete the court report by the time indicated in the private agency notice, the SDSS shall advise the agency prior to the anticipated hearing date so that the hearing date may be postponed.

Authority Cited:    Sections 10553, 10554, and 16141, Welfare and Institutions Code; and Section 226.55, Civil Code.

Reference:            Section 16141, Welfare and Institutions Code; and Section 226.55, Civil Code.



OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

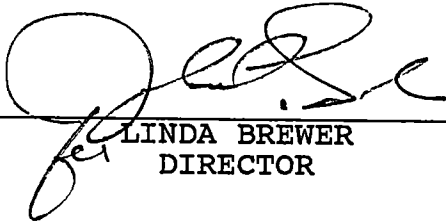
OF

APPROVAL

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the city of Sacramento, state of California.

Submitting Agency: SOCIAL SERVICES  
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OAL File No: 89-0628-02  
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LINDA BREWER  
DIRECTOR

07/28/89  
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